



549698

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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The Committee on Appropriations (Ring) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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



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13 not held in bulk storage at a terminal ~~and~~ which has not been  
14 dyed for exempt use in accordance with Internal Revenue Code  
15 requirements.

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

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

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

31 ~~(4)-(6)~~ "Removal" means any physical transfer of diesel fuel  
32 and any use of diesel fuel other than as a material in the  
33 production of diesel fuel.

34 ~~(5)-(7)~~ "Blender" means any person who ~~that~~ produces blended  
35 diesel fuel outside the bulk transfer/terminal system.

36 ~~(6)-(8)~~ "Colorless marker" means material that is not  
37 perceptible to the senses until the diesel fuel into which it is  
38 introduced is subjected to a scientific test.

39 ~~(7)-(9)~~ "Dyed diesel fuel" means diesel fuel that is dyed in  
40 accordance with United States Environmental Protection Agency or  
41 Internal Revenue Service requirements for high sulfur diesel



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42 fuel or low sulfur diesel fuel.

43 (8)~~(10)~~ "Ultimate vendor" means a licensee that sells  
44 undyed diesel fuel to the United States or its departments or  
45 agencies in bulk lots of not less than 500 gallons in each  
46 delivery or to the user of the diesel fuel for use on a farm for  
47 farming purposes.

48 (9)~~(11)~~ "Local government user of diesel fuel" means any  
49 county, municipality, or school district licensed by the  
50 department to use untaxed diesel fuel in motor vehicles.

51 (10)~~(12)~~ "Mass transit system" means any licensed local  
52 transportation company providing local bus service that is open  
53 to the public and that travels regular routes.

54 (11)~~(13)~~ "Diesel fuel registrant" means anyone required by  
55 this chapter to be licensed to remit diesel fuel taxes,  
56 including, but not limited to, terminal suppliers, importers,  
57 local government users of diesel fuel, and mass transit systems.

58 (12)~~(14)~~ "Biodiesel" means any product made from  
59 nonpetroleum-based oils or fats which is suitable for use in  
60 diesel-powered engines. Biodiesel is also referred to as alkyl  
61 esters.

62 (13)~~(15)~~ "Biodiesel manufacturer" means those industrial  
63 plants, regardless of capacity, where organic products are used  
64 in the production of biodiesel. This includes businesses that  
65 process or blend organic products that are marketed as  
66 biodiesel.

67 Section 2. Paragraph (a) of subsection (1) of section  
68 206.87, Florida Statutes, is amended to read:

69 206.87 Levy of tax.—

70 (1) (a) An excise tax of 4 cents per gallon is hereby



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71 imposed upon each net gallon of diesel fuel subject to the tax  
72 under subsection (2), ~~except alternative fuels which are subject~~  
73 ~~to the fee imposed by s. 206.877.~~

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

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

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

78 206.91 Tax reports; computation and payment of tax.—

79 (1) For the purpose of determining the amount of taxes  
80 imposed by s. 206.87, each diesel fuel registrant shall, not  
81 later than the 20th day of each calendar month, mail to the  
82 department, on forms prescribed by the department, monthly  
83 reports that provide ~~which shall show such~~ information on  
84 inventories, purchases, nontaxable disposals, and taxable sales  
85 in gallons of diesel fuel ~~and alternative fuel~~, for the  
86 preceding calendar month ~~as may be~~ required by the department.  
87 However, if the 20th day falls on a Saturday, a Sunday, or a  
88 federal or state legal holiday, returns shall be accepted if  
89 postmarked on the next succeeding workday. The reports must  
90 include, ~~shall contain~~ or be verified by, a written declaration  
91 stating that they are ~~such report is~~ made under the penalties of  
92 perjury. The diesel fuel registrant shall deduct from the amount  
93 of taxes shown by the report to be payable an amount equivalent  
94 to .67 percent of the taxes on diesel fuel imposed by s.  
95 206.87(1)(a) and (e), which deduction is ~~hereby~~ allowed to the  
96 diesel fuel registrant on account of services and expenses in  
97 complying with the provisions of this part. The allowance on  
98 taxable gallons of diesel fuel sold to persons licensed under  
99 this chapter is not ~~shall not be~~ deductible unless the diesel



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100 fuel registrant has allowed 50 percent of the allowance provided  
101 by this section to a purchaser with a valid wholesaler or  
102 terminal supplier license. This allowance is not ~~shall not be~~  
103 deductible unless payment of the taxes is made on or before the  
104 20th day of the month as ~~herein~~ required in this subsection.  
105 ~~Nothing in~~ This subsection does not ~~shall be construed to~~  
106 authorize a deduction from the constitutional fuel tax or fuel  
107 sales tax.

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

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

113 206.9951 Definitions.—As used in this part, the term:

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

117 (2) "Natural gas fuel" means any liquefied petroleum gas  
118 product, compressed natural gas product, or combination thereof  
119 used in a motor vehicle as defined in s. 206.01(23). This term  
120 includes, but is not limited to, all forms of fuel commonly or  
121 commercially known or sold as natural gasoline, butane gas,  
122 propane gas, or any other form of liquefied petroleum gas,  
123 compressed natural gas, or liquefied natural gas. This term does  
124 not include natural gas or liquefied petroleum placed in a  
125 separate tank of a motor vehicle for cooking, heating, water  
126 heating, or electric generation.

127 (3) "Natural gas fuel retailer" means any person who sells  
128 natural gas fuel for use in a motor vehicle as defined in s.



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129 206.01(23).

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

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

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

139 206.9952 Application for license as a natural gas fuel  
140 retailer.-

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

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

150 (3) (a) Any person who acts as a natural gas retailer and  
151 does not hold a valid natural gas fuel retailer license shall  
152 pay a penalty of \$200 for each month of operation without a  
153 license. This paragraph expires December 31, 2018.

154 (b) Effective January 1, 2019, any person who acts as a  
155 natural gas fuel retailer and does not hold a valid natural gas  
156 fuel retailer license shall pay a penalty of 25 percent of the  
157 tax assessed on the total purchases made during the unlicensed



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158 period.

159 (4) To procure a natural gas fuel retailer license, a  
160 person shall file an application and a bond with the department  
161 on a form prescribed by the department. The department may not  
162 issue a license upon the receipt of any application unless it is  
163 accompanied by a bond.

164 (5) When a natural gas fuel retailer license application is  
165 filed by a person whose previous license was canceled for cause  
166 by the department or the department believes that such  
167 application was not filed in good faith or is filed by another  
168 person as a subterfuge for the actual person in interest whose  
169 previous license has been canceled, the department may, if  
170 evidence warrants, refuse to issue a license for such an  
171 application.

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

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

181 (8) With the exception of a state or federal agency or a  
182 political subdivision licensed under this chapter, each person,  
183 as defined in this part, who operates as a natural gas fuel  
184 retailer shall report monthly to the department and pay a tax on  
185 all natural gas fuel purchases beginning January 1, 2019.

186 (9) The license application requires a license fee of \$5.



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187 Each license shall be renewed annually by submitting a  
188 reapplication and the license fee to the department. The license  
189 fee shall be paid to the department for deposit into the General  
190 Revenue Fund.

191 Section 9. Section 206.9955, Florida Statutes, is created  
192 to read:

193 206.9955 Levy of natural gas fuel tax.-

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

196 (a) Compressed natural gas gallon: 5.66 pounds, or per each  
197 126.67 cubic feet.

198 (b) Liquefied natural gas gallon: 6.06 pounds.

199 (c) Liquefied petroleum gas gallon: 1.35 gallons.

200 (2) Effective January 1, 2019, the following taxes shall be  
201 imposed:

202 (a) An excise tax of 4 cents upon each motor fuel  
203 equivalent gallon of natural gas fuel.

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

207 (c) An additional tax of 1 cent on each motor fuel  
208 equivalent gallon of natural gas fuel by each county, which is  
209 designated as the "local option fuel tax."

210 (d) An additional tax on each motor fuel equivalent gallon  
211 of natural gas fuel, which is designated as the "State  
212 Comprehensive Enhanced Transportation System Tax," at a rate  
213 determined pursuant to this paragraph. Each calendar year, the  
214 department shall determine the tax rate applicable to the sale  
215 of natural gas fuel for the following 12-month period beginning





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216 January 1, rounded to the nearest tenth of a cent, by adjusting  
217 the initially established tax rate of 5.8 cents per gallon by  
218 the percentage change in the average of the Consumer Price Index  
219 issued by the United States Department of Labor for the most  
220 recent 12-month period ending September 30.

221 (e)1. An additional tax is imposed on each motor fuel  
222 equivalent gallon of natural gas fuel for the privilege of  
223 selling natural gas fuel. Each calendar year, the department  
224 shall determine the tax rate applicable to the sale of natural  
225 gas fuel, rounded to the nearest tenth of a cent, for the  
226 following 12-month period beginning January 1. The tax rate is  
227 calculated by adjusting the initially established tax rate of  
228 9.2 cents per gallon by the percentage change in the average of  
229 the Consumer Price Index issued by the United States Department  
230 of Labor for the most recent 12-month period ending September  
231 30.

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

234 (3) Unless otherwise provided by this chapter, the taxes  
235 specified in subsection (2) are imposed on natural gas fuel when  
236 it is placed into the fuel supply tank of a motor vehicle as  
237 defined in s. 206.01(23). The person liable for payment of the  
238 taxes imposed by this section is the person selling the fuel to  
239 the end user, for use in the fuel supply tank of a motor vehicle  
240 as defined in s. 206.01(23).

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

243 206.996 Monthly reports by natural gas fuel retailers;  
244 deductions.-



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245       (1) For the purpose of determining the amount of taxes  
246 imposed by s. 206.9955, each natural gas fuel retailer shall  
247 file beginning with February 2019, and each month thereafter, no  
248 later than the 20th day of each month, monthly reports  
249 electronically with the department showing information on  
250 inventory, purchases, nontaxable disposals, and taxable sales in  
251 gallons of natural gas fuel for the preceding month. However, if  
252 the 20th day of the month falls on a Saturday, Sunday, or  
253 federal or state legal holiday, a return must be accepted if it  
254 is electronically filed on the next succeeding business day. The  
255 reports must include, or be verified by, a written declaration  
256 stating that such report is made under the penalties of perjury.  
257 The natural gas fuel retailer shall deduct from the amount of  
258 taxes shown by the report to be payable an amount equivalent to  
259 0.67 percent of the taxes on natural gas fuel imposed by s.  
260 206.9955(2) (a) and (e), which deduction is allowed to the  
261 natural gas fuel retailer to compensate it for services rendered  
262 and expenses incurred in complying with the requirements of this  
263 part. This allowance is not deductible unless payment of  
264 applicable taxes is made on or before the 20th day of the month.  
265 This subsection may not be construed as authorizing a deduction  
266 from the constitutional fuel tax or the fuel sales tax.

267       (2) Upon the electronic filing of the monthly report, each  
268 natural gas fuel retailer shall pay the department the full  
269 amount of natural gas fuel taxes for the preceding month at the  
270 rate provided in s. 206.9955, less the amount allowed the  
271 natural gas fuel retailer for services and expenses as provided  
272 in subsection (1).

273       (3) The department may authorize a quarterly return and



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274 payment of taxes when the taxes remitted by the natural gas fuel  
275 retailer for the preceding quarter did not exceed \$100, and the  
276 department may authorize a semiannual return and payment of  
277 taxes when the taxes remitted by the natural gas fuel retailer  
278 for the preceding 6 months did not exceed \$200.

279 (4) In addition to the allowance authorized by subsection  
280 (1), every natural gas fuel retailer is entitled to a deduction  
281 of 1.1 percent of the taxes imposed under s. 206.9955(2)(b) and  
282 (c), on account of services and expenses incurred due to  
283 compliance with the requirements of this part. This allowance  
284 may not be deductible unless payment of the tax is made on or  
285 before the 20th day of the month.

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

288 206.9965 Exemptions and refunds; natural gas fuel  
289 retailers.—Natural gas fuel may be purchased from natural gas  
290 fuel retailers exempt from the tax imposed by this part when  
291 used or purchased for the following:

292 (1) Exclusive use by the United States or its departments  
293 or agencies. Exclusive use by the United States or its  
294 departments and agencies means the consumption by the United  
295 States or its departments or agencies of the natural gas fuel in  
296 a motor vehicle as defined in s. 206.01(23).

297 (2) Use for agricultural purposes as defined in s.  
298 206.41(4)(c).

299 (3) Uses as provided in s. 206.874(3).

300 (4) Use by vehicles operated by state and local government  
301 agencies.

302 (5) Individual use resulting from residential refueling



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303 devices located at a person's primary residence.

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

313 (7) Natural gas fuel consumed by a power take off or engine  
314 exhaust for the purpose of unloading bulk cargo by pumping or  
315 turning a concrete mixer drum used in the manufacturing process,  
316 or for the purpose of compacting solid waste, which is mounted  
317 on a motor vehicle and which has no separate fuel tank or power  
318 unit, is allowed a refund of 35 percent of the tax paid on the  
319 fuel purchased.

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

323 206.997 ~~206.879~~ State and local alternative fuel user fee  
324 clearing trust funds; distribution.—

325 (1) Notwithstanding the provisions of s. 206.875, the  
326 revenues from the state natural gas fuel tax imposed by s.  
327 206.9955(2) (a), s. 206.9955(2) (d), and s. 206.9955(2) (e) ~~state~~  
328 ~~alternative fuel fees imposed by s. 206.877~~ shall be deposited  
329 into the State Alternative Fuel User Fee Clearing Trust Fund,  
330 ~~which is hereby created~~. After deducting the service charges  
331 provided in s. 215.20, the proceeds in this trust fund shall be



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332 distributed as follows: the taxes imposed under s.  
333 206.9955(2)(d) and s. 206.9955(2)(e) ~~one-fifth of the proceeds~~  
334 ~~in calendar year 1991, one-third of the proceeds in calendar~~  
335 ~~year 1992, three-sevenths of the proceeds in calendar year 1993,~~  
336 ~~and one-half of the proceeds in each calendar year thereafter~~  
337 shall be transferred to the State Transportation Trust Fund and  
338 the tax imposed under s. 206.9955(2)(a); ~~the remainder~~ shall be  
339 distributed as follows: 50 percent shall be transferred to the  
340 State Board of Administration for distribution according to the  
341 provisions of s. 16, Art. IX of the State Constitution of 1885,  
342 as amended; 25 percent shall be transferred to the Revenue  
343 Sharing Trust Fund for Municipalities; and the remaining 25  
344 percent shall be distributed using the formula contained in s.  
345 206.60(1).

346 (2) Notwithstanding the provisions of s. 206.875, the  
347 revenues from the local natural gas fuel tax imposed by s.  
348 206.9955(2)(b) and s. 206.9955(2)(c) ~~local alternative fuel fees~~  
349 ~~imposed in lieu of s. 206.87(1)(b) or (c)~~ shall be deposited  
350 into The Local Alternative Fuel User Fee Clearing Trust Fund,  
351 ~~which is hereby created.~~ After deducting the service charges  
352 provided in s. 215.20, the proceeds in this trust fund shall be  
353 returned monthly to the appropriate county.

354 Section 13. Section 206.998, Florida Statutes, is created  
355 to read:

356 206.998 Applicability of specified sections of parts I and  
357 II.—The provisions of ss. 206.01, 206.02, 206.025, 206.026,  
358 206.027, 206.028, 206.03, 206.05, 206.055, 206.06, 206.07,  
359 206.075, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15,  
360 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204,



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361 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25,  
362 206.27, 206.28, 206.405, 206.406, 206.41, 206.413, 206.43,  
363 206.44, 206.48, 206.485, 206.49, 206.56, 206.59, 206.606,  
364 206.608, and 206.61, Florida Statutes, of part I of this chapter  
365 and ss. 206.86, 206.872, 206.874, 206.8745, 206.88, 206.90, and  
366 206.93, Florida Statutes, of part II of this chapter shall, as  
367 far as lawful or practicable, be applicable to the tax levied  
368 and imposed and to the collection thereof as if fully set out in  
369 this part. However, any provision of any such section does not  
370 apply if it conflicts with any provision of this part.

371 Section 14. Paragraph (d) of subsection (2) of section  
372 212.055, Florida Statutes, is amended to read:

373 212.055 Discretionary sales surtaxes; legislative intent;  
374 authorization and use of proceeds.—It is the legislative intent  
375 that any authorization for imposition of a discretionary sales  
376 surtax shall be published in the Florida Statutes as a  
377 subsection of this section, irrespective of the duration of the  
378 levy. Each enactment shall specify the types of counties  
379 authorized to levy; the rate or rates which may be imposed; the  
380 maximum length of time the surtax may be imposed, if any; the  
381 procedure which must be followed to secure voter approval, if  
382 required; the purpose for which the proceeds may be expended;  
383 and such other requirements as the Legislature may provide.  
384 Taxable transactions and administrative procedures shall be as  
385 provided in s. 212.054.

386 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

387 (d) The proceeds of the surtax authorized by this  
388 subsection and any accrued interest shall be expended by the  
389 school district, within the county and municipalities within the



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390 county, or, in the case of a negotiated joint county agreement,  
391 within another county, to finance, plan, and construct  
392 infrastructure; to acquire land for public recreation,  
393 conservation, or protection of natural resources; to provide  
394 loans, grants, or rebates to residential or commercial property  
395 owners who make energy efficiency improvements to their  
396 residential or commercial property, if a local government  
397 ordinance authorizing such use is approved by referendum; or to  
398 finance the closure of county-owned or municipally owned solid  
399 waste landfills that have been closed or are required to be  
400 closed by order of the Department of Environmental Protection.  
401 Any use of the proceeds or interest for purposes of landfill  
402 closure before July 1, 1993, is ratified. The proceeds and any  
403 interest may not be used for the operational expenses of  
404 infrastructure, except that a county that has a population of  
405 fewer than 75,000 and that is required to close a landfill may  
406 use the proceeds or interest for long-term maintenance costs  
407 associated with landfill closure. Counties, as defined in s.  
408 125.011, and charter counties may, in addition, use the proceeds  
409 or interest to retire or service indebtedness incurred for bonds  
410 issued before July 1, 1987, for infrastructure purposes, and for  
411 bonds subsequently issued to refund such bonds. Any use of the  
412 proceeds or interest for purposes of retiring or servicing  
413 indebtedness incurred for refunding bonds before July 1, 1999,  
414 is ratified.

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

417 a. Any fixed capital expenditure or fixed capital outlay  
418 associated with the construction, reconstruction, or improvement



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419 of public facilities that have a life expectancy of 5 or more  
420 years and any related land acquisition, land improvement,  
421 design, and engineering costs.

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

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

430 d. Any fixed capital expenditure or fixed capital outlay  
431 associated with the improvement of private facilities that have  
432 a life expectancy of 5 or more years and that the owner agrees  
433 to make available for use on a temporary basis as needed by a  
434 local government as a public emergency shelter or a staging area  
435 for emergency response equipment during an emergency officially  
436 declared by the state or by the local government under s.  
437 252.38. Such improvements are limited to those necessary to  
438 comply with current standards for public emergency evacuation  
439 shelters. The owner must enter into a written contract with the  
440 local government providing the improvement funding to make the  
441 private facility available to the public for purposes of  
442 emergency shelter at no cost to the local government for a  
443 minimum of 10 years after completion of the improvement, with  
444 the provision that the obligation will transfer to any  
445 subsequent owner until the end of the minimum period.

446 e. Any land acquisition expenditure for a residential  
447 housing project in which at least 30 percent of the units are





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448 affordable to individuals or families whose total annual  
449 household income does not exceed 120 percent of the area median  
450 income adjusted for household size, if the land is owned by a  
451 local government or by a special district that enters into a  
452 written agreement with the local government to provide such  
453 housing. The local government or special district may enter into  
454 a ground lease with a public or private person or entity for  
455 nominal or other consideration for the construction of the  
456 residential housing project on land acquired pursuant to this  
457 sub-subparagraph.

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

472 3. Notwithstanding any other provision of this subsection,  
473 a local government infrastructure surtax imposed or extended  
474 after July 1, 1998, may allocate up to 15 percent of the surtax  
475 proceeds for deposit into ~~in~~ a trust fund within the county's  
476 accounts created for the purpose of funding economic development



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477 projects having a general public purpose of improving local  
478 economies, including the funding of operational costs and  
479 incentives related to economic development. The ballot statement  
480 must indicate the intention to make an allocation under the  
481 authority of this subparagraph.

482 Section 15. Paragraph (a) of subsection (4) of section  
483 212.08, Florida Statutes, is amended to read:

484 212.08 Sales, rental, use, consumption, distribution, and  
485 storage tax; specified exemptions.—The sale at retail, the  
486 rental, the use, the consumption, the distribution, and the  
487 storage to be used or consumed in this state of the following  
488 are hereby specifically exempt from the tax imposed by this  
489 chapter.

490 (4) EXEMPTIONS; ITEMS BEARING OTHER EXCISE TAXES, ETC.—

491 (a) Also exempt are:

492 1. Water delivered to the purchaser through pipes or  
493 conduits or delivered for irrigation purposes. The sale of  
494 drinking water in bottles, cans, or other containers, including  
495 water that contains minerals or carbonation in its natural state  
496 or water to which minerals have been added at a water treatment  
497 facility regulated by the Department of Environmental Protection  
498 or the Department of Health, is exempt. This exemption does not  
499 apply to the sale of drinking water in bottles, cans, or other  
500 containers if carbonation or flavorings, except those added at a  
501 water treatment facility, have been added. Water that has been  
502 enhanced by the addition of minerals and that does not contain  
503 any added carbonation or flavorings is also exempt.

504 2. All fuels used by a public or private utility, including  
505 any municipal corporation or rural electric cooperative



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506 association, in the generation of electric power or energy for  
507 sale. Fuel other than motor fuel and diesel fuel is taxable as  
508 provided in this chapter with the exception of fuel expressly  
509 exempt herein. Natural gas and natural gas fuel as defined in s.  
510 206.9951(2) are exempt from the tax imposed by this chapter when  
511 placed into the fuel supply system of a motor vehicle. Motor  
512 fuels and diesel fuels are taxable as provided in chapter 206,  
513 with the exception of those motor fuels and diesel fuels used by  
514 railroad locomotives or vessels to transport persons or property  
515 in interstate or foreign commerce, which are taxable under this  
516 chapter only to the extent provided herein. The basis of the tax  
517 shall be the ratio of intrastate mileage to interstate or  
518 foreign mileage traveled by the carrier's railroad locomotives  
519 or vessels that were used in interstate or foreign commerce and  
520 that had at least some Florida mileage during the previous  
521 fiscal year of the carrier, such ratio to be determined at the  
522 close of the fiscal year of the carrier. However, during the  
523 fiscal year in which the carrier begins its initial operations  
524 in this state, the carrier's mileage apportionment factor may be  
525 determined on the basis of an estimated ratio of anticipated  
526 miles in this state to anticipated total miles for that year,  
527 and subsequently, additional tax shall be paid on the motor fuel  
528 and diesel fuels, or a refund may be applied for, on the basis  
529 of the actual ratio of the carrier's railroad locomotives' or  
530 vessels' miles in this state to its total miles for that year.  
531 This ratio shall be applied each month to the total Florida  
532 purchases made in this state of motor and diesel fuels to  
533 establish that portion of the total used and consumed in  
534 intrastate movement and subject to tax under this chapter. The



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535 basis for imposition of any discretionary surtax shall be set  
536 forth in s. 212.054. Fuels used exclusively in intrastate  
537 commerce do not qualify for the proration of tax.

538 3. The transmission or wheeling of electricity.

539 Section 16. The Office of Program Policy Analysis and  
540 Government Accountability shall complete a report reviewing the  
541 taxation of natural gas fuel used to power motor vehicles under  
542 chapters 206 and 212, Florida Statutes. The report must, at a  
543 minimum: evaluate growth trends in the use of natural gas fuel;  
544 survey how other states tax natural gas fuel and how they  
545 provide incentives to consumers of such fuels; and survey  
546 consumers and suppliers of natural gas fuel. The report shall be  
547 submitted to the President of the Senate and the Speaker of the  
548 House of Representatives by December 1, 2017.

549 Section 17. Natural gas fuel fleet vehicle rebate program.—

550 (1) CREATION AND PURPOSE OF PROGRAM.—Subject to specific  
551 appropriation, there is created within the Department of  
552 Agriculture and Consumer Services a natural gas fuel fleet  
553 vehicle rebate program. The purpose of this program is to help  
554 reduce transportation costs in this state and encourage freight  
555 mobility investments that contribute to the economic growth of  
556 the state.

557 (2) DEFINITIONS.—For purposes of this section, the term:

558 (a) "Conversion costs" means the excess cost associated  
559 with retrofitting a diesel or gasoline powered motor vehicle to  
560 a natural gas fuel powered motor vehicle.

561 (b) "Department" means the Department of Agriculture and  
562 Consumer Services.

563 (c) "Eligible costs" means the cost of conversion or the



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564 incremental cost incurred by an applicant in connection with an  
565 investment in the conversion or the purchase or lease, for at  
566 least a 5-year period, of a natural gas fleet vehicle placed  
567 into service on or after July 1, 2013. The term does not include  
568 costs for project development, fueling stations, or other  
569 fueling infrastructure.

570 (d) "Fleet vehicles" means three or more motor vehicles  
571 registered in this state and used for commercial business or  
572 governmental purposes.

573 (e) "Incremental costs" means the excess costs associated  
574 with the purchase or lease a natural gas fuel motor vehicle as  
575 compared to an equivalent diesel- or gasoline-powered motor  
576 vehicle.

577 (f) "Natural gas fuel" means any liquefied petroleum gas  
578 product, compressed natural gas product, or combination thereof  
579 used in a motor vehicle as defined in s. 206.01(23). This term  
580 includes, but is not limited to, all forms of fuel commonly or  
581 commercially known or sold as natural gasoline, butane gas,  
582 propane gas, or any other form of liquefied petroleum gas,  
583 compressed natural gas, or liquefied natural gas. This term does  
584 not include natural gas or liquefied petroleum placed in a  
585 separate tank of a motor vehicle for cooking, heating, water  
586 heating, or electric generation.

587 (3) NATURAL GAS FUEL FLEET VEHICLE REBATE.—The department  
588 shall award rebates for eligible costs as defined in this  
589 section. Forty percent of the annual allocation shall be  
590 reserved for governmental applicants, with the remaining funds  
591 allocated for commercial applicants. A rebate may not exceed 50  
592 percent of the eligible costs of a natural gas fuel fleet



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593 vehicle with a dedicated or bi-fuel natural gas fuel operating  
594 system placed into service on or after July 1, 2013. An  
595 applicant is eligible to receive a maximum rebate of \$25,000 per  
596 vehicle up to a total of \$250,000 per fiscal year. All natural  
597 gas fuel fleet vehicles eligible for the rebate must comply with  
598 applicable United States Environmental Protection Agency  
599 emission standards.

600 (4) APPLICATION PROCESS.—

601 (a) An applicant seeking to obtain a rebate shall submit an  
602 application to the department by a specified date as established  
603 by department rule. The application shall require a complete  
604 description of all eligible costs, proof of purchase or lease of  
605 the vehicle for which the applicant is seeking a rebate, a copy  
606 of the vehicle registration certificate, a description of the  
607 total rebate sought by the applicant, and any other information  
608 deemed necessary by the department. The application form adopted  
609 by department rule must include an affidavit from the applicant  
610 certifying that all information contained in the application is  
611 true and correct.

612 (b) The department shall determine the rebate eligibility  
613 of each applicant in accordance with the requirements of this  
614 section and department rule. The total amount of rebates  
615 allocated to certified applicants may not exceed the amount  
616 appropriated for the program in the General Appropriations Act.  
617 Rebates shall be allocated to eligible applicants on a first-  
618 come, first-served basis, determined by the date the application  
619 is received, until all appropriated funds are expended or the  
620 program ends, whichever comes first. Incomplete applications  
621 submitted to the department will not be accepted and do not



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622 secure a place in the first-come, first-served application  
623 process.

624 (5) RULES.—The department shall adopt rules to implement  
625 and administer this section by December 31, 2013, including  
626 rules relating to the forms required to claim a rebate under  
627 this section, the required documentation and basis for  
628 establishing eligibility for a rebate, procedures and guidelines  
629 for claiming a rebate, and the collection of economic impact  
630 data from applicants.

631 (6) PUBLICATION.—The department shall determine and publish  
632 on its website on an ongoing basis the amount of available  
633 funding for rebates remaining in each fiscal year.

634 (7) ANNUAL ASSESSMENT.—By October 1, 2014, and each year  
635 thereafter that the program is funded, the department shall  
636 provide an annual assessment of the use of the rebate program  
637 during the previous fiscal year to the Governor, the President  
638 of the Senate, the Speaker of the House of Representatives, and  
639 the Office of Program Policy Analysis and Government  
640 Accountability. The assessment shall include, at a minimum, the  
641 following information:

642 (a) The name of each applicant awarded a rebate under this  
643 section;

644 (b) The amount of the rebates awarded to each applicant;

645 (c) The type and description of each eligible vehicle for  
646 which each applicant applied for a rebate; and

647 (d) The aggregate amount of funding awarded for all  
648 applicants claiming rebates under this section.

649 (8) REPORT.—By January 31, 2016, the Office of Program  
650 Policy Analysis and Government Accountability shall release a



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651 report reviewing the rebate program to the Governor, the  
652 President of the Senate, and the Speaker of the House of  
653 Representatives. The review shall include an analysis of the  
654 economic benefits resulting to the state from the program.

655 (9) ANNUAL FUNDING.—Annual funding for the natural gas fuel  
656 fleet vehicle rebate program is subject to legislative  
657 appropriation.

658 (10) EFFECTIVE DATE.—This section shall take effect July 1,  
659 2013.

660 Section 18. Except as otherwise expressly provided in this  
661 act and except for this section, which shall take effect July 1,  
662 2013, this act shall take effect January 1, 2014.

663  
664 ===== T I T L E A M E N D M E N T =====

665 And the title is amended as follows:

666 Delete everything before the enacting clause  
667 and insert:

668 A bill to be entitled  
669 An act relating to natural gas motor fuel; amending s.  
670 206.86, F.S.; deleting definitions for the terms  
671 "alternative fuel" and "natural gasoline"; amending s.  
672 206.87, F.S.; conforming a cross-reference; repealing  
673 s. 206.877, F.S., relating to the annual decal fee  
674 program for motor vehicles powered by alternative  
675 fuels; repealing s. 206.89, F.S., relating to the  
676 requirements for alternative fuel retailer licenses;  
677 amending s. 206.91, F.S.; making grammatical and  
678 technical changes; providing a directive to the  
679 Division of Law Revision and Information; creating s.





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680 206.9951, F.S.; providing definitions; creating s.  
681 206.9952, F.S.; establishing requirements for natural  
682 gas fuel retailer licenses; providing penalties for  
683 certain licensure violations; creating s. 206.9955,  
684 F.S.; providing calculations for a motor fuel  
685 equivalent gallon; providing for the levy of the  
686 natural gas fuel tax; authorizing the Department of  
687 Revenue to adopt rules; creating s. 206.996, F.S.;  
688 establishing requirements for monthly reports of  
689 natural gas fuel retailers; providing that reports are  
690 made under the penalties of perjury; allowing natural  
691 gas fuel retailers to seek a deduction of the tax  
692 levied under specified conditions; creating s.  
693 206.9965, F.S.; providing exemptions and refunds from  
694 the natural gas fuel tax; transferring, renumbering,  
695 and amending s. 206.879, F.S.; revising provisions  
696 relating to the state and local alternative fuel user  
697 fee clearing trust funds; creating s. 206.998, F.S.;  
698 providing for the applicability of specified sections  
699 of parts I and II of ch. 206, F.S.; amending s.  
700 212.055, F.S.; expanding the use of the local  
701 government infrastructure surtax to include the  
702 installation of systems for natural gas fuel; amending  
703 s. 212.08, F.S.; providing an exemption from taxes for  
704 natural gas fuel under certain circumstances;  
705 directing the Office of Program Policy Analysis and  
706 Government Accountability to complete a report  
707 reviewing the taxation of natural gas fuel; requiring  
708 the report to be submitted to the Legislature by a



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709 specified date; creating the natural gas fuel fleet  
710 vehicle rebate program within the Department of  
711 Agriculture and Consumer Services; providing  
712 definitions; prescribing powers and duties of the  
713 department with respect to the program; prescribing  
714 limits on rebate awards; providing policies and  
715 procedures for application approval; requiring the  
716 department to adopt rules by a specified date;  
717 requiring the department to publish on its website the  
718 availability of rebate funds; requiring the department  
719 to submit an annual assessment to the Governor, the  
720 Legislature, and the Office of Program Policy Analysis  
721 and Government Accountability by a specified date;  
722 requiring the Office of Program Policy Analysis and  
723 Government Accountability to submit a report to the  
724 Governor and the Legislature by a specified date;  
725 providing report requirements; providing that funding  
726 for the program is subject to an annual appropriation;  
727 providing effective dates.