



959014

LEGISLATIVE ACTION

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

1           **Senate Substitute for Amendment (549698) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

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

8           206.86 Definitions.—As used in this part:

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



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

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

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

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

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

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

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

40           (7)~~(9)~~ "Dyed diesel fuel" means diesel fuel that is dyed in  
41 accordance with United States Environmental Protection Agency or



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42 Internal Revenue Service requirements for high sulfur diesel  
43 fuel or low sulfur diesel fuel.

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

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

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

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

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

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

68 Section 2. Paragraph (a) of subsection (1) of section  
69 206.87, Florida Statutes, is amended to read:

70 206.87 Levy of tax.—



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

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

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

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

79 206.91 Tax reports; computation and payment of tax.—

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



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

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

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

114 206.9951 Definitions.—As used in this part, the term:

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

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

128 (3) "Natural gas fuel retailer" means any person who sells,



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129 produces or refines natural gas fuel for use in a motor vehicle  
130 as defined in s. 206.01(23). This term does not include  
131 individuals specified in s. 206.9965(5).

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

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

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

141 206.9952 Application for license as a natural gas fuel  
142 retailer.-

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

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

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

156 (b) Effective January 1, 2019, any person who acts as a  
157 natural gas fuel retailer and does not hold a valid natural gas



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158 fuel retailer license shall pay a penalty of 25 percent of the  
159 tax assessed on the total purchases made during the unlicensed  
160 period.

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

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

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

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

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



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187 all natural gas fuel purchases beginning January 1, 2019.

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

193 Section 9. Section 206.9955, Florida Statutes, is created  
194 to read:

195 206.9955 Levy of natural gas fuel tax.—

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

198 (a) Compressed natural gas gallon: 5.66 pounds, or per each  
199 126.67 cubic feet.

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

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

202 (2) Effective January 1, 2019, the following taxes shall be  
203 imposed:

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

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

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

212 (d) An additional tax on each motor fuel equivalent gallon  
213 of natural gas fuel, which is designated as the "State  
214 Comprehensive Enhanced Transportation System Tax," at a rate  
215 determined pursuant to this paragraph. Each calendar year, the





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

223 (e)1. An additional tax is imposed on each motor fuel  
224 equivalent gallon of natural gas fuel for the privilege of  
225 selling natural gas fuel. Each calendar year, the department  
226 shall determine the tax rate applicable to the sale of natural  
227 gas fuel, rounded to the nearest tenth of a cent, for the  
228 following 12-month period beginning January 1. The tax rate is  
229 calculated by adjusting the initially established tax rate of  
230 9.2 cents per gallon by the percentage change in the average of  
231 the Consumer Price Index issued by the United States Department  
232 of Labor for the most recent 12-month period ending September  
233 30.

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

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

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



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245           206.996 Monthly reports by natural gas fuel retailers;  
246 deductions.-

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

270           (2) Upon the electronic filing of the monthly report, each  
271 natural gas fuel retailer shall pay the department the full  
272 amount of natural gas fuel taxes for the preceding month at the  
273 rate provided in s. 206.9955, less the amount allowed the



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274 natural gas fuel retailer for services and expenses as provided  
275 in subsection (1).

276 (3) The department may authorize a quarterly return and  
277 payment of taxes when the taxes remitted by the natural gas fuel  
278 retailer for the preceding quarter did not exceed \$100, and the  
279 department may authorize a semiannual return and payment of  
280 taxes when the taxes remitted by the natural gas fuel retailer  
281 for the preceding 6 months did not exceed \$200.

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

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

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

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

300 (2) Use for agricultural purposes as defined in s.  
301 206.41(4) (c).

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



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303           (4) Use by vehicles operated by state and local government  
304 agencies.

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

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

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

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

326           206.997 ~~206.879~~ State and local alternative fuel user fee  
327 clearing trust funds; distribution.-

328           (1) Notwithstanding the provisions of s. 206.875, the  
329 revenues from the state natural gas fuel tax imposed by s.  
330 206.9955(2) (a), s. 206.9955(2) (d), and s. 206.9955(2) (e) state  
331 alternative fuel fees imposed by s. 206.877 shall be deposited



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332 into the State Alternative Fuel User Fee Clearing Trust Fund,  
333 ~~which is hereby created~~. After deducting the service charges  
334 provided in s. 215.20, the proceeds in this trust fund shall be  
335 distributed as follows: the taxes imposed under s.  
336 206.9955(2)(d) and s. 206.9955(2)(e) ~~one-fifth of the proceeds~~  
337 ~~in calendar year 1991, one-third of the proceeds in calendar~~  
338 ~~year 1992, three-sevenths of the proceeds in calendar year 1993,~~  
339 ~~and one-half of the proceeds in each calendar year thereafter~~  
340 shall be transferred to the State Transportation Trust Fund and  
341 the tax imposed under s. 206.9955(2)(a); ~~the remainder~~ shall be  
342 distributed as follows: 50 percent shall be transferred to the  
343 State Board of Administration for distribution according to the  
344 provisions of s. 16, Art. IX of the State Constitution of 1885,  
345 as amended; 25 percent shall be transferred to the Revenue  
346 Sharing Trust Fund for Municipalities; and the remaining 25  
347 percent shall be distributed using the formula contained in s.  
348 206.60(1).

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

357 Section 13. Section 206.998, Florida Statutes, is created  
358 to read:

359 206.998 Applicability of specified sections of parts I and  
360 II.—The provisions of ss. 206.01, 206.02, 206.025, 206.026,



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361 206.027, 206.028, 206.03, 206.05, 206.055, 206.06, 206.07,  
362 206.075, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15,  
363 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204,  
364 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25,  
365 206.27, 206.28, 206.405, 206.406, 206.41, 206.413, 206.43,  
366 206.44, 206.48, 206.485, 206.49, 206.56, 206.59, 206.606,  
367 206.608, and 206.61, Florida Statutes, of part I of this chapter  
368 and ss. 206.86, 206.872, 206.874, 206.8745, 206.88, 206.90, and  
369 206.93, Florida Statutes, of part II of this chapter shall, as  
370 far as lawful or practicable, be applicable to the tax levied  
371 and imposed and to the collection thereof as if fully set out in  
372 this part. However, any provision of any such section does not  
373 apply if it conflicts with any provision of this part.

374 Section 14. Paragraph (d) of subsection (2) of section  
375 212.055, Florida Statutes, is amended to read:

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

389 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—



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

418 1. For the purposes of this paragraph, the term



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419 "infrastructure" means:

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

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

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

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





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448 subsequent owner until the end of the minimum period.

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

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

475 3. Notwithstanding any other provision of this subsection,  
476 a local government infrastructure surtax imposed or extended



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477 after July 1, 1998, may allocate up to 15 percent of the surtax  
478 proceeds for deposit into ~~in~~ a trust fund within the county's  
479 accounts created for the purpose of funding economic development  
480 projects having a general public purpose of improving local  
481 economies, including the funding of operational costs and  
482 incentives related to economic development. The ballot statement  
483 must indicate the intention to make an allocation under the  
484 authority of this subparagraph.

485 Section 15. Paragraph (a) of subsection (4) of section  
486 212.08, Florida Statutes, is amended to read:

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

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

494 (a) Also exempt are:

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



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



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535 purchases made in this state of motor and diesel fuels to  
536 establish that portion of the total used and consumed in  
537 intrastate movement and subject to tax under this chapter. The  
538 basis for imposition of any discretionary surtax shall be set  
539 forth in s. 212.054. Fuels used exclusively in intrastate  
540 commerce do not qualify for the proration of tax.

541 3. The transmission or wheeling of electricity.

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

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

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

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

563 (a) "Conversion costs" means the excess cost associated



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564 with retrofitting a diesel or gasoline powered motor vehicle to  
565 a natural gas fuel powered motor vehicle.

566 (b) "Department" means the Department of Agriculture and  
567 Consumer Services.

568 (c) "Eligible costs" means the cost of conversion or the  
569 incremental cost incurred by an applicant in connection with an  
570 investment in the conversion or the purchase or lease, for at  
571 least a 5-year period, of a natural gas fleet vehicle placed  
572 into service on or after July 1, 2013. The term does not include  
573 costs for project development, fueling stations, or other  
574 fueling infrastructure.

575 (d) "Fleet vehicles" means three or more motor vehicles  
576 registered in this state and used for commercial business or  
577 governmental purposes.

578 (e) "Incremental costs" means the excess costs associated  
579 with the purchase or lease a natural gas fuel motor vehicle as  
580 compared to an equivalent diesel- or gasoline-powered motor  
581 vehicle.

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

592 (3) NATURAL GAS FUEL FLEET VEHICLE REBATE.—The department



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593 shall award rebates for eligible costs as defined in this  
594 section. Forty percent of the annual allocation shall be  
595 reserved for governmental applicants, with the remaining funds  
596 allocated for commercial applicants. A rebate may not exceed 50  
597 percent of the eligible costs of a natural gas fuel fleet  
598 vehicle with a dedicated or bi-fuel natural gas fuel operating  
599 system placed into service on or after July 1, 2013. An  
600 applicant is eligible to receive a maximum rebate of \$25,000 per  
601 vehicle up to a total of \$250,000 per fiscal year. All natural  
602 gas fuel fleet vehicles eligible for the rebate must comply with  
603 applicable United States Environmental Protection Agency  
604 emission standards.

605 (4) APPLICATION PROCESS.—

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

617 (b) The department shall determine the rebate eligibility  
618 of each applicant in accordance with the requirements of this  
619 section and department rule. The total amount of rebates  
620 allocated to certified applicants may not exceed the amount  
621 appropriated for the program in the General Appropriations Act.



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622 Rebates shall be allocated to eligible applicants on a first-  
623 come, first-served basis, determined by the date the application  
624 is received, until all appropriated funds are expended or the  
625 program ends, whichever comes first. Incomplete applications  
626 submitted to the department will not be accepted and do not  
627 secure a place in the first-come, first-served application  
628 process.

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

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

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

647 (a) The name of each applicant awarded a rebate under this  
648 section;

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

650 (c) The type and description of each eligible vehicle for



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651 which each applicant applied for a rebate; and

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

654 (8) REPORT.—By January 31, 2016, the Office of Program  
655 Policy Analysis and Government Accountability shall release a  
656 report reviewing the rebate program to the Governor, the  
657 President of the Senate, and the Speaker of the House of  
658 Representatives. The review shall include an analysis of the  
659 economic benefits resulting to the state from the program.

660 (9) ANNUAL FUNDING.—Annual funding for the natural gas fuel  
661 fleet vehicle rebate program is subject to legislative  
662 appropriation.

663 (10) EFFECTIVE DATE.—This section shall take effect July 1,  
664 2013.

665 Section 18. Except as otherwise expressly provided in this  
666 act and except for this section, which shall take effect July 1,  
667 2013, this act shall take effect January 1, 2014.

668  
669 ===== T I T L E A M E N D M E N T =====

670 And the title is amended as follows:

671 Delete everything before the enacting clause  
672 and insert:

673 A bill to be entitled  
674 An act relating to natural gas motor fuel; amending s.  
675 206.86, F.S.; deleting definitions for the terms  
676 "alternative fuel" and "natural gasoline"; amending s.  
677 206.87, F.S.; conforming a cross-reference; repealing  
678 s. 206.877, F.S., relating to the annual decal fee  
679 program for motor vehicles powered by alternative





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680 fuels; repealing s. 206.89, F.S., relating to the  
681 requirements for alternative fuel retailer licenses;  
682 amending s. 206.91, F.S.; making grammatical and  
683 technical changes; providing a directive to the  
684 Division of Law Revision and Information; creating s.  
685 206.9951, F.S.; providing definitions; creating s.  
686 206.9952, F.S.; establishing requirements for natural  
687 gas fuel retailer licenses; providing penalties for  
688 certain licensure violations; creating s. 206.9955,  
689 F.S.; providing calculations for a motor fuel  
690 equivalent gallon; providing for the levy of the  
691 natural gas fuel tax; authorizing the Department of  
692 Revenue to adopt rules; creating s. 206.996, F.S.;  
693 establishing requirements for monthly reports of  
694 natural gas fuel retailers; providing that reports are  
695 made under the penalties of perjury; allowing natural  
696 gas fuel retailers to seek a deduction of the tax  
697 levied under specified conditions; creating s.  
698 206.9965, F.S.; providing exemptions and refunds from  
699 the natural gas fuel tax; transferring, renumbering,  
700 and amending s. 206.879, F.S.; revising provisions  
701 relating to the state and local alternative fuel user  
702 fee clearing trust funds; creating s. 206.998, F.S.;  
703 providing for the applicability of specified sections  
704 of parts I and II of ch. 206, F.S.; amending s.  
705 212.055, F.S.; expanding the use of the local  
706 government infrastructure surtax to include the  
707 installation of systems for natural gas fuel; amending  
708 s. 212.08, F.S.; providing an exemption from taxes for



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