

HB 551

2016

1 A bill to be entitled
2 An act relating to aviation fuel taxes; amending s.
3 206.9825, F.S.; revising eligibility criteria for
4 wholesalers and terminal suppliers to receive refunds
5 or credits of previously paid excise taxes; providing
6 for future repeal; revising the rate of the excise tax
7 on certain aviation fuels; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (b) of subsection (1) of section
13 206.9825, Florida Statutes, is amended to read:

14 206.9825 Aviation fuel tax.—

15 (1)

16 (b) Any licensed wholesaler or terminal supplier that
17 delivers aviation fuel to an air carrier offering
18 transcontinental jet service and that, after January 1, 1996,
19 but before July 1, 2016, increases the air carrier's Florida
20 workforce by more than 1000 percent and by 250 or more full-time
21 equivalent employee positions, may receive a credit or refund as
22 the ultimate vendor of the aviation fuel for the 6.9 cents
23 excise tax previously paid, provided that the air carrier has no
24 facility for fueling highway vehicles from the tank in which the
25 aviation fuel is stored. In calculating the new or additional
26 Florida full-time equivalent employee positions, any full-time

27 equivalent employee positions of parent or subsidiary
 28 corporations which existed before January 1, 1996, shall not be
 29 counted toward reaching the Florida employment increase
 30 thresholds. The refund allowed under this paragraph is in
 31 furtherance of the goals and policies of the State Comprehensive
 32 Plan set forth in s. 187.201(16) (a), (b)1., 2., (17) (a), (b)1.,
 33 4., (19) (a), (b)5., (21) (a), (b)1., 2., 4., 7., 9., and 12.

34 Section 2. Effective July 1, 2019, section 206.9825,
 35 Florida Statutes, as amended by this act, is amended to read:

36 206.9825 Aviation fuel tax.—

37 (1) (a) Except as otherwise provided in this part, an
 38 excise tax of 3.3 ~~6.9~~ cents per gallon of aviation fuel is
 39 imposed upon every gallon of aviation fuel sold in this state,
 40 or brought into this state for use, upon which such tax has not
 41 been paid or the payment thereof has not been lawfully assumed
 42 by some person handling the same in this state. Fuel taxed
 43 pursuant to this part is ~~shall~~ not be subject to the taxes
 44 imposed by ss. 206.41(1) (d), (e), and (f) and 206.87(1) (b), (c),
 45 and (d).

46 ~~(b) Any licensed wholesaler or terminal supplier that~~
 47 ~~delivers aviation fuel to an air carrier offering~~
 48 ~~transcontinental jet service and that, after January 1, 1996,~~
 49 ~~but before July 1, 2016, increases the air carrier's Florida~~
 50 ~~workforce by more than 1000 percent and by 250 or more full-time~~
 51 ~~equivalent employee positions, may receive a credit or refund as~~
 52 ~~the ultimate vendor of the aviation fuel for the 6.9 cents~~

53 ~~excise tax previously paid, provided that the air carrier has no~~
54 ~~facility for fueling highway vehicles from the tank in which the~~
55 ~~aviation fuel is stored. In calculating the new or additional~~
56 ~~Florida full-time equivalent employee positions, any full-time~~
57 ~~equivalent employee positions of parent or subsidiary~~
58 ~~corporations which existed before January 1, 1996, shall not be~~
59 ~~counted toward reaching the Florida employment increase~~
60 ~~thresholds. The refund allowed under this paragraph is in~~
61 ~~furtherance of the goals and policies of the State Comprehensive~~
62 ~~Plan set forth in s. 187.201(16) (a), (b)1., 2., (17) (a), (b)1.,~~
63 ~~4., (19) (a), (b)5., (21) (a), (b)1., 2., 4., 7., 9., and 12.~~

64 ~~(c) If, before July 1, 2001, the number of full-time~~
65 ~~equivalent employee positions created or added to the air~~
66 ~~carrier's Florida workforce falls below 250, the exemption~~
67 ~~granted pursuant to this section shall not apply during the~~
68 ~~period in which the air carrier has fewer than the 250~~
69 ~~additional employees.~~

70 ~~(d) The exemption taken by credit or refund pursuant to~~
71 ~~paragraph (b) shall apply only under the terms and conditions~~
72 ~~set forth therein. If any part of that paragraph is judicially~~
73 ~~declared to be unconstitutional or invalid, the validity of any~~
74 ~~provisions taxing aviation fuel shall not be affected and all~~
75 ~~fuel exempted pursuant to paragraph (b) shall be subject to tax~~
76 ~~as if the exemption was never enacted. Every person benefiting~~
77 ~~from such exemption shall be liable for and make payment of all~~
78 ~~taxes for which a credit or refund was granted.~~

79 (b)~~(e)~~1. Sales of aviation fuel to, and exclusively used
 80 for flight training through a school of aeronautics or college
 81 of aviation by, a college based in this state which is a tax-
 82 exempt organization under s. 501(c) (3) of the Internal Revenue
 83 Code or a university based in this state are exempt from the tax
 84 imposed by this part if the college or university:

85 a. Is accredited by or has applied for accreditation by
 86 the Aviation Accreditation Board International; and

87 b. Offers a graduate program in aeronautical or aerospace
 88 engineering or offers flight training through a school of
 89 aeronautics or college of aviation.

90 2. A licensed wholesaler or terminal supplier that sells
 91 aviation fuel to a college or university qualified under this
 92 paragraph and that does not collect the aviation fuel tax from
 93 the college or university on such sale may receive an ultimate
 94 vendor credit for the 3.3-cent ~~6.9-cent~~ excise tax previously
 95 paid on the aviation fuel delivered to such college or
 96 university.

97 3. A college or university qualified under this paragraph
 98 which purchases aviation fuel from a retail supplier, including
 99 a fixed-base operator, and pays the 3.3-cent ~~6.9-cent~~ excise tax
 100 on the purchase may apply for and receive a refund of the
 101 aviation fuel tax paid.

102 (2) (a) An excise tax of 3.3 ~~6.9~~ cents per gallon is
 103 imposed on each gallon of kerosene in the same manner as
 104 prescribed for diesel fuel under ss. 206.87(2) and 206.872.

105 (b) The exemptions provided by s. 206.874 shall apply to
 106 kerosene if the dyeing and marking requirements of s. 206.8741
 107 are met.

108 (c) Kerosene prepackaged in containers of 5 gallons or
 109 less and labeled "Not for Use in a Motor Vehicle" is exempt from
 110 the taxes imposed by this part when sold for home heating and
 111 cooking. Packagers may qualify for a refund of taxes previously
 112 paid, as prescribed by the department.

113 (d) Sales of kerosene in quantities of 5 gallons or less
 114 by a person not licensed under this chapter who has no
 115 facilities for placing kerosene in the fuel supply system of a
 116 motor vehicle may qualify for a refund of taxes paid. Refunds of
 117 taxes paid shall be limited to sales for use in home heating or
 118 cooking and shall be documented as prescribed by the department.

119 (3) An excise tax of 3.3 ~~6.9~~ cents per gallon is imposed
 120 on each gallon of aviation gasoline in the manner prescribed by
 121 paragraph (2) (a). However, the exemptions allowed by paragraph
 122 (2) (b) do not apply to aviation gasoline.

123 (4) Any licensed wholesaler or terminal supplier that
 124 delivers undyed kerosene to a residence for home heating or
 125 cooking may receive a credit or refund as the ultimate vendor of
 126 the kerosene for the 3.3-cent ~~6.9-cent~~ excise tax previously
 127 paid.

128 (5) Any licensed wholesaler or terminal supplier that
 129 delivers undyed kerosene to a retail dealer not licensed as a
 130 wholesaler or terminal supplier for sale as a home heating or

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131 cooking fuel may receive a credit or refund as the ultimate
132 vendor of the kerosene for the 3.3-cent ~~6.9-cents~~ excise tax
133 previously paid, provided the retail dealer has no facility for
134 fueling highway vehicles from the tank in which the kerosene is
135 stored.

136 (6) Any person who fails to meet the requirements of this
137 section is subject to a backup tax as provided by s. 206.873.

138 Section 3. Except as otherwise expressly provided in this
139 act, this act shall take effect July 1, 2016.