

By Senator Flores

37-00118F-16

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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 effective dates.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (b) of subsection (1) of section
12 206.9825, Florida Statutes, is amended to read:

13 206.9825 Aviation fuel tax.—

14 (1)

15 (b) Any licensed wholesaler or terminal supplier that
16 delivers aviation fuel to an air carrier offering
17 transcontinental jet service and that, after January 1, 1996,
18 but before July 1, 2016, increases the air carrier's Florida
19 workforce by more than 1000 percent and by 250 or more full-time
20 equivalent employee positions, may receive a credit or refund as
21 the ultimate vendor of the aviation fuel for the 6.9 cents
22 excise tax previously paid, provided that the air carrier has no
23 facility for fueling highway vehicles from the tank in which the
24 aviation fuel is stored. In calculating the new or additional
25 Florida full-time equivalent employee positions, any full-time
26 equivalent employee positions of parent or subsidiary
27 corporations which existed before January 1, 1996, shall not be
28 counted toward reaching the Florida employment increase
29 thresholds. The refund allowed under this paragraph is in

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30 furtherance of the goals and policies of the State Comprehensive
31 Plan set forth in s. 187.201(16) (a), (b)1., 2., (17) (a), (b)1.,
32 4., (19) (a), (b)5., (21) (a), (b)1., 2., 4., 7., 9., and 12.

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

35 206.9825 Aviation fuel tax.—

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

44 ~~(b) Any licensed wholesaler or terminal supplier that~~
45 ~~delivers aviation fuel to an air carrier offering~~
46 ~~transcontinental jet service and that, after January 1, 1996,~~
47 ~~but before July 1, 2016, increases the air carrier's Florida~~
48 ~~workforce by more than 1000 percent and by 250 or more full-time~~
49 ~~equivalent employee positions, may receive a credit or refund as~~
50 ~~the ultimate vendor of the aviation fuel for the 6.9 cents~~
51 ~~excise tax previously paid, provided that the air carrier has no~~
52 ~~facility for fueling highway vehicles from the tank in which the~~
53 ~~aviation fuel is stored. In calculating the new or additional~~
54 ~~Florida full-time equivalent employee positions, any full-time~~
55 ~~equivalent employee positions of parent or subsidiary~~
56 ~~corporations which existed before January 1, 1996, shall not be~~
57 ~~counted toward reaching the Florida employment increase~~
58 ~~thresholds. The refund allowed under this paragraph is in~~

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59 ~~furtherance of the goals and policies of the State Comprehensive~~
60 ~~Plan set forth in s. 187.201(16) (a), (b)1., 2., (17) (a), (b)1.,~~
61 ~~4., (19) (a), (b)5., (21) (a), (b)1., 2., 4., 7., 9., and 12.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

126 (5) Any licensed wholesaler or terminal supplier that
127 delivers undyed kerosene to a retail dealer not licensed as a
128 wholesaler or terminal supplier for sale as a home heating or
129 cooking fuel may receive a credit or refund as the ultimate
130 vendor of the kerosene for the 3.3-cent ~~6.9 cents~~ excise tax
131 previously paid, provided the retail dealer has no facility for
132 fueling highway vehicles from the tank in which the kerosene is
133 stored.

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

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