

By the Committees on Commerce and Tourism; and Agriculture; and
Senator Bennett

577-04367-11

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1 A bill to be entitled
2 An act relating to biodiesel; amending s. 206.01,
3 F.S.; defining the term "renewable feedstocks";
4 amending s. 206.02, F.S.; exempting certain biodiesel
5 manufacturers from bonding requirements; amending s.
6 206.874, F.S.; exempting certain biodiesel
7 manufacturers from specific taxes on diesel fuel;
8 amending s. 206.9925, F.S.; redefining the term
9 "pollutants" to exclude certain biodiesel; authorizing
10 the Department of Revenue to adopt emergency rules to
11 implement the provisions of the act; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (31) is added to section 206.01,
17 Florida Statutes, to read:

18 206.01 Definitions.—As used in this chapter:

19 (31) "Renewable feedstocks" mean crops and animal products
20 that may be used to produce fuel or energy.

21 Section 2. Subsection (5) of section 206.02, Florida
22 Statutes, is amended to read:

23 206.02 Application for license; temporary license; terminal
24 suppliers, importers, exporters, blenders, biodiesel
25 manufacturers, and wholesalers.—

26 (5) Each biodiesel manufacturer must meet the reporting,
27 bonding, and licensing requirements prescribed for wholesalers
28 by this chapter, except that biodiesel manufacturers are exempt
29 from the bonding requirements of this chapter only for B100 and

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30 B99 biodiesel fuel that the biodiesel manufacturer makes from
31 renewable feedstocks originating in this state.

32 Section 3. Subsection (8) is added to section 206.874,
33 Florida Statutes, to read:

34 206.874 Exemptions.—

35 (8) B100 and B99 biodiesel fuel, of which at least 50
36 percent is made from renewable feedstocks originating in this
37 state, is exempt from the taxes imposed by this part.

38 Section 4. Subsection (5) of section 206.9925, Florida
39 Statutes, is amended to read:

40 206.9925 Definitions.—As used in this part:

41 (5) "Pollutants" includes any petroleum product as defined
42 in subsection (4) as well as pesticides, ammonia, and chlorine;
43 lead-acid batteries, including, but not limited to, batteries
44 that are a component part of other tangible personal property;
45 and solvents as defined in subsection (6), but the term excludes
46 liquefied petroleum gas, medicinal oils, and waxes. Products
47 intended for application to the human body or for use in human
48 personal hygiene or for human ingestion are not pollutants,
49 regardless of their contents. B100 or B99 biodiesel manufactured
50 in this state is not a pollutant if at least 50 percent of the
51 manufacturer's annual production of B100 or B99 is from
52 renewable feedstocks originating in this state. For the purpose
53 of the tax imposed under s. 206.9935(1), "pollutants" also
54 includes crude oil.

55 Section 5. The Department of Revenue is authorized, and all
56 conditions are deemed met, to adopt emergency rules pursuant to
57 ss. 120.536(1) and 120.54, Florida Statutes, to administer the
58 provisions of this act. The emergency rules shall remain in

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59 effect for 6 months after the rules are adopted, and the rules
60 may be renewed during the pendency of procedures to adopt
61 permanent rules addressing the subject of the emergency rule.

62 Section 6. This act shall take effect January 1, 2012.