

1                   A bill to be entitled  
2           An act relating to natural gas motor fuel; amending s.  
3           206.86, F.S.; deleting definitions for the terms  
4           "alternative fuel" and "natural gasoline"; amending s.  
5           206.87, F.S.; conforming a cross-reference; repealing  
6           s. 206.877, F.S., relating to the annual decal fee  
7           program for motor vehicles powered by alternative  
8           fuels; repealing s. 206.89, F.S., relating to the  
9           requirements for alternative fuel retailer licenses;  
10          amending s. 206.91, F.S.; making grammatical and  
11          technical changes; providing a directive to the  
12          Division of Law Revision and Information; creating s.  
13          206.9951, F.S.; providing definitions; creating s.  
14          206.9952, F.S.; establishing requirements for natural  
15          gas fuel retailer licenses; providing penalties for  
16          certain licensure violations; creating s. 206.9955,  
17          F.S.; providing calculations for a motor fuel  
18          equivalent gallon; providing for the levy of the  
19          natural gas fuel tax; authorizing the Department of  
20          Revenue to adopt rules; creating s. 206.996, F.S.;  
21          establishing requirements for monthly reports of  
22          natural gas fuel retailers; providing that reports are  
23          made under the penalties of perjury; allowing natural  
24          gas fuel retailers to seek a deduction of the tax  
25          levied under specified conditions; creating s.  
26          206.9965, F.S.; providing exemptions and refunds from  
27          the natural gas fuel tax; transferring, renumbering,  
28          and amending s. 206.879, F.S.; revising provisions

29 relating to the State Alternative Fuel User Fee  
 30 Clearing Trust Fund; terminating the Local Alternative  
 31 Fuel User Fee Clearing Trust Fund within the  
 32 Department of Revenue; prescribing procedures for the  
 33 termination of the trust fund; creating s. 206.998,  
 34 F.S.; providing for the applicability of specified  
 35 sections of parts I and II of ch. 206, F.S.; amending  
 36 s. 212.055, F.S.; expanding the use of the local  
 37 government infrastructure surtax to include the  
 38 installation of systems for natural gas fuel; amending  
 39 s. 212.08, F.S.; providing an exemption from taxes for  
 40 natural gas fuel under certain circumstances;  
 41 providing an effective date.

42

43 Be It Enacted by the Legislature of the State of Florida:

44

45 Section 1. Section 206.86, Florida Statutes, is amended to  
 46 read:

47 206.86 Definitions.—As used in this part:

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

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

56 (3) "User" includes any person who uses diesel fuels

57 | within this state for the propulsion of a motor vehicle on the  
 58 | public highways of this state, even though the motor is also  
 59 | used for a purpose other than the propulsion of the vehicle.

60 | ~~(4) "Alternative fuel" means any liquefied petroleum gas~~  
 61 | ~~product or compressed natural gas product or combination thereof~~  
 62 | ~~used in an internal combustion engine or motor to propel any~~  
 63 | ~~form of vehicle, machine, or mechanical contrivance. This term~~  
 64 | ~~includes, but is not limited to, all forms of fuel commonly or~~  
 65 | ~~commercially known or sold as natural gasoline, butane gas,~~  
 66 | ~~propane gas, or any other form of liquefied petroleum gas or~~  
 67 | ~~compressed natural gas.~~

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

71 | (4)~~(6)~~ "Removal" means any physical transfer of diesel  
 72 | fuel and any use of diesel fuel other than as a material in the  
 73 | production of diesel fuel.

74 | (5)~~(7)~~ "Blender" means any person who ~~that~~ produces  
 75 | blended diesel fuel outside the bulk transfer/terminal system.

76 | (6)~~(8)~~ "Colorless marker" means material that is not  
 77 | perceptible to the senses until the diesel fuel into which it is  
 78 | introduced is subjected to a scientific test.

79 | (7)~~(9)~~ "Dyed diesel fuel" means diesel fuel that is dyed  
 80 | in accordance with United States Environmental Protection Agency  
 81 | or Internal Revenue Service requirements for high sulfur diesel  
 82 | fuel or low sulfur diesel fuel.

83 | (8)~~(10)~~ "Ultimate vendor" means a licensee that sells  
 84 | undyed diesel fuel to the United States or its departments or

85 agencies in bulk lots of not less than 500 gallons in each  
 86 delivery or to the user of the diesel fuel for use on a farm for  
 87 farming purposes.

88 (9)~~(11)~~ "Local government user of diesel fuel" means any  
 89 county, municipality, or school district licensed by the  
 90 department to use untaxed diesel fuel in motor vehicles.

91 (10)~~(12)~~ "Mass transit system" means any licensed local  
 92 transportation company providing local bus service that is open  
 93 to the public and that travels regular routes.

94 (11)~~(13)~~ "Diesel fuel registrant" means anyone required by  
 95 this chapter to be licensed to remit diesel fuel taxes,  
 96 including, but not limited to, terminal suppliers, importers,  
 97 local government users of diesel fuel, and mass transit systems.

98 (12)~~(14)~~ "Biodiesel" means any product made from  
 99 nonpetroleum-based oils or fats which is suitable for use in  
 100 diesel-powered engines. Biodiesel is also referred to as alkyl  
 101 esters.

102 (13)~~(15)~~ "Biodiesel manufacturer" means those industrial  
 103 plants, regardless of capacity, where organic products are used  
 104 in the production of biodiesel. This includes businesses that  
 105 process or blend organic products that are marketed as  
 106 biodiesel.

107 Section 2. Paragraph (a) of subsection (1) of section  
 108 206.87, Florida Statutes, is amended to read:

109 206.87 Levy of tax.—

110 (1) (a) An excise tax of 4 cents per gallon is ~~hereby~~  
 111 imposed upon each net gallon of diesel fuel subject to the tax  
 112 under subsection (2), ~~except alternative fuels which are subject~~

113 | ~~to the fee imposed by s. 206.877.~~

114 |       Section 3. Section 206.877, Florida Statutes, is repealed.

115 |       Section 4. Section 206.89, Florida Statutes, is repealed.

116 |       Section 5. Subsection (1) of section 206.91, Florida  
117 | Statutes, is amended to read:

118 |       206.91 Tax reports; computation and payment of tax.—

119 |       (1) For the purpose of determining the amount of taxes  
120 | imposed by s. 206.87, each diesel fuel registrant shall, not  
121 | later than the 20th day of each calendar month, mail to the  
122 | department, on forms prescribed by the department, monthly  
123 | reports that provide ~~which shall show such~~ information on  
124 | inventories, purchases, nontaxable disposals, and taxable sales  
125 | in gallons of diesel fuel ~~and alternative fuel,~~ for the  
126 | preceding calendar month ~~as may be~~ required by the department.  
127 | However, if the 20th day falls on a Saturday, a Sunday, or a  
128 | federal or state legal holiday, returns shall be accepted if  
129 | postmarked on the next succeeding workday. The reports must  
130 | include, ~~shall contain~~ or be verified by, a written declaration  
131 | stating that they are ~~such report is~~ made under the penalties of  
132 | perjury. The diesel fuel registrant shall deduct from the amount  
133 | of taxes shown by the report to be payable an amount equivalent  
134 | to .67 percent of the taxes on diesel fuel imposed by s.  
135 | 206.87(1)(a) and (e), which deduction is ~~hereby~~ allowed to the  
136 | diesel fuel registrant on account of services and expenses in  
137 | complying with the provisions of this part. The allowance on  
138 | taxable gallons of diesel fuel sold to persons licensed under  
139 | this chapter is not ~~shall not be~~ deductible unless the diesel  
140 | fuel registrant has allowed 50 percent of the allowance provided

141 | by this section to a purchaser with a valid wholesaler or  
 142 | terminal supplier license. This allowance is not ~~shall not be~~  
 143 | deductible unless payment of the taxes is made on or before the  
 144 | 20th day of the month as ~~herein~~ required in this subsection.  
 145 | ~~Nothing in~~ This subsection does not ~~shall be construed to~~  
 146 | authorize a deduction from the constitutional fuel tax or fuel  
 147 | sales tax.

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

151 |       Section 7. Section 206.9951, Florida Statutes, is created  
 152 | to read:

153 |       206.9951 Definitions.—As used in this part, the term:

154 |       (1) "Motor fuel equivalent gallon" means the volume of  
 155 | natural gas fuel it takes to equal the energy content of 1  
 156 | gallon of motor fuel.

157 |       (2) "Natural gas fuel" means any liquefied petroleum gas  
 158 | product, compressed natural gas product, or combination thereof  
 159 | used in a motor vehicle as defined in s. 206.01(23). This term  
 160 | includes, but is not limited to, all forms of fuel commonly or  
 161 | commercially known or sold as natural gasoline, butane gas,  
 162 | propane gas, or any other form of liquefied petroleum gas,  
 163 | compressed natural gas, or liquefied natural gas.

164 |       (3) "Natural gas fuel retailer" means any person who sells  
 165 | natural gas fuel for use in a motor vehicle as defined in s.  
 166 | 206.01(23).

167 |       (4) "Natural gasoline" is a liquid hydrocarbon that is  
 168 | produced by natural gas and must be blended with other liquid

169 petroleum products to produce motor fuel.

170 (5) "Person" means a natural person, corporation,  
171 copartnership, firm, company, agency, or association; a state  
172 agency; a federal agency; or a political subdivision of the  
173 state.

174 Section 8. Section 206.9952, Florida Statutes, is created  
175 to read:

176 206.9952 Application for license as a natural gas fuel  
177 retailer.—

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

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

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

191 (b) Effective January 1, 2019, any person who acts as a  
192 natural gas fuel retailer and does not hold a valid natural gas  
193 fuel retailer license shall pay a penalty of 25 percent of the  
194 tax assessed on the total purchases made during the unlicensed  
195 period.

196 (4) To procure a natural gas fuel retailer license, a

197 person shall file an application and a bond with the department  
198 on a form prescribed by the department. The department may not  
199 issue a license upon the receipt of any application unless it is  
200 accompanied by a bond.

201 (5) When a natural gas fuel retailer license application  
202 is filed by a person whose previous license was canceled for  
203 cause by the department or the department believes that such  
204 application was not filed in good faith or is filed by another  
205 person as a subterfuge for the actual person in interest whose  
206 previous license has been canceled, the department may, if  
207 evidence warrants, refuse to issue a license for such an  
208 application.

209 (6) Upon the department's issuance of a natural gas fuel  
210 retailer license, such license remains in effect so long as the  
211 natural gas fuel retailer is in compliance with the requirements  
212 of this part.

213 (7) Such license may not be assigned and is valid only for  
214 the natural gas fuel retailer in whose name the license is  
215 issued. The license shall be displayed conspicuously by the  
216 natural gas fuel retailer in the principal place of business for  
217 which the license was issued.

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

223 (9) The license application requires a license fee of \$5.  
224 Each license shall be renewed annually by submitting a

225 reapplication and the license fee to the department. The license  
226 fee shall be paid to the department for deposit into the General  
227 Revenue Fund.

228 Section 9. Section 206.9955, Florida Statutes, is created  
229 to read:

230 206.9955 Levy of natural gas fuel tax.—

231 (1) The motor fuel equivalent gallon means the following  
232 for:

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

235 (b) Liquefied natural gas gallon: 6.22 pounds.

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

237 (2) Effective January 1, 2019, the following taxes shall  
238 be imposed:

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

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

244 (c) An additional tax of 6 cents on each motor fuel  
245 equivalent gallon of natural gas fuel by each county, which is  
246 designated as the "local option fuel tax."

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

253 January 1, rounded to the nearest tenth of a cent, by adjusting  
254 the initially established tax rate of 7.1 cents per gallon by  
255 the percentage change in the average of the Consumer Price Index  
256 issued by the United States Department of Labor for the most  
257 recent 12-month period ending September 30.

258 (e)1. An additional tax is imposed on each motor fuel  
259 equivalent gallon of natural gas fuel for the privilege of  
260 selling natural gas fuel and is designated as the "fuel sales  
261 tax." Each calendar year, the department shall determine the tax  
262 rate applicable to the sale of natural gas fuel, rounded to the  
263 nearest tenth of a cent, for the following 12-month period  
264 beginning January 1. The tax rate is calculated by adjusting the  
265 initially established tax rate of 12.9 cents per gallon by the  
266 percentage change in the average of the Consumer Price Index  
267 issued by the United States Department of Labor for the most  
268 recent 12-month period ending September 30.

269 2. The department is authorized to adopt rules and publish  
270 forms to administer this paragraph.

271 (3) Unless otherwise provided by this chapter, the taxes  
272 specified in subsection (2) are imposed on natural gas fuel when  
273 it is placed into the fuel supply tank of a motor vehicle as  
274 defined in s. 206.01(23). The person liable for payment of the  
275 taxes imposed by this section is the person selling the fuel to  
276 the end user, for use in the fuel supply tank of a motor vehicle  
277 as defined in s. 206.01(23).

278 Section 10. Section 206.996, Florida Statutes, is created  
279 to read:

280 206.996 Monthly reports by natural gas fuel retailers;

281 deductions.-

282 (1) For the purpose of determining the amount of taxes  
283 imposed by s. 206.9955, each natural gas fuel retailer shall  
284 file beginning February 2019, and each month thereafter, no  
285 later than the 20th day of each month, monthly reports  
286 electronically with the department showing information on  
287 inventory, purchases, nontaxable disposals, and taxable sales in  
288 gallons of natural gas fuel for the preceding month. However, if  
289 the 20th day of the month falls on a Saturday, Sunday, or  
290 federal or state legal holiday, a return must be accepted if it  
291 is electronically filed on the next succeeding business day. The  
292 reports must include, or be verified by, a written declaration  
293 stating that such report is made under the penalties of perjury.  
294 The natural gas fuel retailer shall deduct from the amount of  
295 taxes shown by the report to be payable an amount equivalent to  
296 0.67 percent of the taxes on natural gas fuel imposed by s.  
297 206.9955(2)(a) and (e), which deduction is allowed to the  
298 natural gas fuel retailer to compensate it for services rendered  
299 and expenses incurred in complying with the requirements of this  
300 part. This allowance is not deductible unless payment of  
301 applicable taxes is made on or before the 20th day of the month.  
302 This subsection may not be construed as authorizing a deduction  
303 from the constitutional fuel tax or the fuel sales tax.

304 (2) Upon the electronic filing of the monthly report, each  
305 natural gas fuel retailer shall pay the department the full  
306 amount of natural gas fuel taxes for the preceding month at the  
307 rate provided in s. 206.9955, less the amount allowed the  
308 natural gas fuel retailer for services and expenses as provided

309 in subsection (1).

310 (3) The department may authorize a quarterly return and  
311 payment of taxes when the taxes remitted by the natural gas fuel  
312 retailer for the preceding quarter did not exceed \$100, and the  
313 department may authorize a semiannual return and payment of  
314 taxes when the taxes remitted by the natural gas fuel retailer  
315 for the preceding 6 months did not exceed \$200.

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

323 Section 11. Section 206.9965, Florida Statutes, is created  
324 to read:

325 206.9965 Exemptions and refunds; natural gas fuel  
326 retailers.—Natural gas fuel may be purchased from natural gas  
327 fuel retailers exempt from the tax imposed by this part when  
328 used or purchased for the following:

329 (1) Exclusive use by the United States or its departments  
330 or agencies. Exclusive use by the United States or its  
331 departments and agencies means the consumption by the United  
332 States or its departments or agencies of the natural gas fuel in  
333 a motor vehicle as defined in s. 206.01(23).

334 (2) Use for agricultural purposes as defined in s.  
335 206.41(4)(c).

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

337        (4) Used to propel motor vehicles operated by state and  
338 local government agencies.

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

341        (6) Purchases of natural gas fuel between licensed natural  
342 gas fuel retailers. A natural gas fuel retailer that sells tax-  
343 paid natural gas fuel to another natural gas fuel retailer may  
344 take a credit on its monthly return or may file a claim for  
345 refund with the Chief Financial Officer pursuant to s. 215.26.  
346 All sales of natural gas fuel between natural gas fuel retailers  
347 must be documented on invoices or other evidence of the sale of  
348 such fuel and the seller shall retain a copy of the purchaser's  
349 natural gas fuel retailer license.

350        Section 12. Section 206.879, Florida Statutes, is  
351 transferred and renumbered as section 206.997, Florida Statutes,  
352 and amended to read:

353        206.997 ~~206.879~~ State and local alternative fuel user fee  
354 clearing trust funds; distribution.—

355        ~~(1)~~ Notwithstanding the provisions of s. 206.875, the  
356 revenues from the natural gas fuel tax imposed by s. 206.9955  
357 ~~state alternative fuel fees imposed by s. 206.877~~ shall be  
358 deposited into the State Alternative Fuel User Fee Clearing  
359 Trust Fund, which is hereby created. After deducting the service  
360 charges provided in s. 215.20, the proceeds in this trust fund  
361 shall be distributed as follows: one-half of the proceeds in  
362 calendar year 2019 and ~~one-fifth of the proceeds in calendar~~  
363 ~~year 1991, one-third of the proceeds in calendar year 1992,~~  
364 ~~three-sevenths of the proceeds in calendar year 1993, and one-~~

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365 ~~half of the proceeds in each calendar year thereafter shall be~~  
366 ~~transferred to the State Transportation Trust Fund; the~~  
367 ~~remainder shall be distributed as follows: 50 percent shall be~~  
368 ~~transferred to the State Board of Administration for~~  
369 ~~distribution according to the provisions of s. 16, Art. IX of~~  
370 ~~the State Constitution of 1885, as amended; 25 percent shall be~~  
371 ~~transferred to the Revenue Sharing Trust Fund for~~  
372 ~~Municipalities; and the remaining 25 percent shall be~~  
373 ~~distributed using the formula contained in s. 206.60(1).~~

374 ~~(2) Notwithstanding the provisions of s. 206.875, the~~  
375 ~~revenues from the local alternative fuel fees imposed in lieu of~~  
376 ~~s. 206.87(1)(b) or (c) shall be deposited into The Local~~  
377 ~~Alternative Fuel User Fee Clearing Trust Fund, which is hereby~~  
378 ~~created. After deducting the service charges provided in s.~~  
379 ~~215.20, the proceeds in this trust fund shall be returned~~  
380 ~~monthly to the appropriate county.~~

381 Section 13. (1) The Local Alternative Fuel User Fee  
382 Clearing Trust Fund within the Department of Revenue is  
383 terminated.

384 (2) The Department of Revenue shall pay any outstanding  
385 debts or obligations of the terminated fund as soon as  
386 practicable, and the Chief Financial Officer shall close out and  
387 remove the terminated fund from various state accounting systems  
388 using generally accepted accounting principles concerning  
389 warrants outstanding, assets, and liabilities.

390 Section 14. Section 206.998, Florida Statutes, is created  
391 to read:

392 206.998 Applicability of specified sections of parts I and

393 II.—The provisions of ss. 206.01, 206.02, 206.025, 206.026,  
 394 206.027, 206.028, 206.03, 206.05, 206.055, 206.06, 206.07,  
 395 206.075, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15,  
 396 206.16, 206.17, 206.175, 206.18, 206.199, 206.20, 206.204,  
 397 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25,  
 398 206.27, 206.28, 206.405, 206.406, 206.41, 206.413, 206.43,  
 399 206.44, 206.48, 206.485, 206.49, 206.56, 206.59, 206.606,  
 400 206.608, and 206.61 of part I of this chapter and ss. 206.86,  
 401 206.872, 206.874, 206.8745, 206.88, 206.90, and 206.93 of part  
 402 II of this chapter shall, as far as lawful or practicable, be  
 403 applicable to the tax levied and imposed and to the collection  
 404 thereof as if fully set out in this part. However, any provision  
 405 of any such section does not apply if it conflicts with any  
 406 provision of this part.

407 Section 15. Paragraph (d) of subsection (2) of section  
 408 212.055, Florida Statutes, is amended to read:

409 212.055 Discretionary sales surtaxes; legislative intent;  
 410 authorization and use of proceeds.—It is the legislative intent  
 411 that any authorization for imposition of a discretionary sales  
 412 surtax shall be published in the Florida Statutes as a  
 413 subsection of this section, irrespective of the duration of the  
 414 levy. Each enactment shall specify the types of counties  
 415 authorized to levy; the rate or rates which may be imposed; the  
 416 maximum length of time the surtax may be imposed, if any; the  
 417 procedure which must be followed to secure voter approval, if  
 418 required; the purpose for which the proceeds may be expended;  
 419 and such other requirements as the Legislature may provide.  
 420 Taxable transactions and administrative procedures shall be as

421 provided in s. 212.054.

422 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

423 (d) The proceeds of the surtax authorized by this  
424 subsection and any accrued interest shall be expended by the  
425 school district, within the county and municipalities within the  
426 county, or, in the case of a negotiated joint county agreement,  
427 within another county, to finance, plan, and construct  
428 infrastructure; to acquire land for public recreation,  
429 conservation, or protection of natural resources; to provide  
430 loans, grants, or rebates to residential or commercial property  
431 owners who make energy efficiency improvements to their  
432 residential or commercial property, if a local government  
433 ordinance authorizing such use is approved by referendum; or to  
434 finance the closure of county-owned or municipally owned solid  
435 waste landfills that have been closed or are required to be  
436 closed by order of the Department of Environmental Protection.  
437 Any use of the proceeds or interest for purposes of landfill  
438 closure before July 1, 1993, is ratified. The proceeds and any  
439 interest may not be used for the operational expenses of  
440 infrastructure, except that a county that has a population of  
441 fewer than 75,000 and that is required to close a landfill may  
442 use the proceeds or interest for long-term maintenance costs  
443 associated with landfill closure. Counties, as defined in s.  
444 125.011, and charter counties may, in addition, use the proceeds  
445 or interest to retire or service indebtedness incurred for bonds  
446 issued before July 1, 1987, for infrastructure purposes, and for  
447 bonds subsequently issued to refund such bonds. Any use of the  
448 proceeds or interest for purposes of retiring or servicing

449 indebtedness incurred for refunding bonds before July 1, 1999,  
450 is ratified.

451 1. For the purposes of this paragraph, the term  
452 "infrastructure" means:

453 a. Any fixed capital expenditure or fixed capital outlay  
454 associated with the construction, reconstruction, or improvement  
455 of public facilities that have a life expectancy of 5 or more  
456 years and any related land acquisition, land improvement,  
457 design, and engineering costs.

458 b. A fire department vehicle, an emergency medical service  
459 vehicle, a sheriff's office vehicle, a police department  
460 vehicle, or any other vehicle, and the equipment necessary to  
461 outfit the vehicle for its official use or equipment that has a  
462 life expectancy of at least 5 years.

463 c. Any expenditure for the construction, lease, or  
464 maintenance of, or provision of utilities or security for,  
465 facilities, as defined in s. 29.008.

466 d. Any fixed capital expenditure or fixed capital outlay  
467 associated with the improvement of private facilities that have  
468 a life expectancy of 5 or more years and that the owner agrees  
469 to make available for use on a temporary basis as needed by a  
470 local government as a public emergency shelter or a staging area  
471 for emergency response equipment during an emergency officially  
472 declared by the state or by the local government under s.  
473 252.38. Such improvements are limited to those necessary to  
474 comply with current standards for public emergency evacuation  
475 shelters. The owner must enter into a written contract with the  
476 local government providing the improvement funding to make the

477 private facility available to the public for purposes of  
478 emergency shelter at no cost to the local government for a  
479 minimum of 10 years after completion of the improvement, with  
480 the provision that the obligation will transfer to any  
481 subsequent owner until the end of the minimum period.

482 e. Any land acquisition expenditure for a residential  
483 housing project in which at least 30 percent of the units are  
484 affordable to individuals or families whose total annual  
485 household income does not exceed 120 percent of the area median  
486 income adjusted for household size, if the land is owned by a  
487 local government or by a special district that enters into a  
488 written agreement with the local government to provide such  
489 housing. The local government or special district may enter into  
490 a ground lease with a public or private person or entity for  
491 nominal or other consideration for the construction of the  
492 residential housing project on land acquired pursuant to this  
493 sub-subparagraph.

494 2. For the purposes of this paragraph, the term "energy  
495 efficiency improvement" means any energy conservation and  
496 efficiency improvement that reduces consumption through  
497 conservation or a more efficient use of electricity, natural  
498 gas, propane, or other forms of energy on the property,  
499 including, but not limited to, air sealing; installation of  
500 insulation; installation of energy-efficient heating, cooling,  
501 or ventilation systems; installation of solar panels; building  
502 modifications to increase the use of daylight or shade;  
503 replacement of windows; installation of energy controls or  
504 energy recovery systems; installation of electric vehicle

505 charging equipment; installation of systems for natural gas fuel  
506 as defined in s. 206.9951; and installation of efficient  
507 lighting equipment.

508 3. Notwithstanding any other provision of this subsection,  
509 a local government infrastructure surtax imposed or extended  
510 after July 1, 1998, may allocate up to 15 percent of the surtax  
511 proceeds for deposit into ~~in~~ a trust fund within the county's  
512 accounts created for the purpose of funding economic development  
513 projects having a general public purpose of improving local  
514 economies, including the funding of operational costs and  
515 incentives related to economic development. The ballot statement  
516 must indicate the intention to make an allocation under the  
517 authority of this subparagraph.

518 Section 16. Subsection (4) of section 212.08, Florida  
519 Statutes, is amended to read:

520 212.08 Sales, rental, use, consumption, distribution, and  
521 storage tax; specified exemptions.—The sale at retail, the  
522 rental, the use, the consumption, the distribution, and the  
523 storage to be used or consumed in this state of the following  
524 are hereby specifically exempt from the tax imposed by this  
525 chapter.

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

527 (a) Also exempt are:

528 1. Water delivered to the purchaser through pipes or  
529 conduits or delivered for irrigation purposes. The sale of  
530 drinking water in bottles, cans, or other containers, including  
531 water that contains minerals or carbonation in its natural state  
532 or water to which minerals have been added at a water treatment

533 facility regulated by the Department of Environmental Protection  
534 or the Department of Health, is exempt. This exemption does not  
535 apply to the sale of drinking water in bottles, cans, or other  
536 containers if carbonation or flavorings, except those added at a  
537 water treatment facility, have been added. Water that has been  
538 enhanced by the addition of minerals and that does not contain  
539 any added carbonation or flavorings is also exempt.

540 2. All fuels used by a public or private utility,  
541 including any municipal corporation or rural electric  
542 cooperative association, in the generation of electric power or  
543 energy for sale. Fuel other than motor fuel and diesel fuel is  
544 taxable as provided in this chapter with the exception of fuel  
545 expressly exempt herein. Natural gas fuel as defined in s.  
546 206.9951(2) is exempt from the tax imposed by this chapter when  
547 placed into the fuel supply system of a motor vehicle. Motor  
548 fuels and diesel fuels are taxable as provided in chapter 206,  
549 with the exception of those motor fuels and diesel fuels used by  
550 railroad locomotives or vessels to transport persons or property  
551 in interstate or foreign commerce, which are taxable under this  
552 chapter only to the extent provided herein. The basis of the tax  
553 shall be the ratio of intrastate mileage to interstate or  
554 foreign mileage traveled by the carrier's railroad locomotives  
555 or vessels that were used in interstate or foreign commerce and  
556 that had at least some Florida mileage during the previous  
557 fiscal year of the carrier, such ratio to be determined at the  
558 close of the fiscal year of the carrier. However, during the  
559 fiscal year in which the carrier begins its initial operations  
560 in this state, the carrier's mileage apportionment factor may be

561 determined on the basis of an estimated ratio of anticipated  
562 miles in this state to anticipated total miles for that year,  
563 and subsequently, additional tax shall be paid on the motor fuel  
564 and diesel fuels, or a refund may be applied for, on the basis  
565 of the actual ratio of the carrier's railroad locomotives' or  
566 vessels' miles in this state to its total miles for that year.  
567 This ratio shall be applied each month to the total Florida  
568 purchases made in this state of motor and diesel fuels to  
569 establish that portion of the total used and consumed in  
570 intrastate movement and subject to tax under this chapter. The  
571 basis for imposition of any discretionary surtax shall be set  
572 forth in s. 212.054. Fuels used exclusively in intrastate  
573 commerce do not qualify for the proration of tax.

574 3. The transmission or wheeling of electricity.

575 (b) Alcoholic beverages and malt beverages are not exempt.  
576 The terms "alcoholic beverages" and "malt beverages" as used in  
577 this paragraph have the same meanings ascribed to them in ss.  
578 561.01(4) and 563.01, respectively. It is determined by the  
579 Legislature that the classification of alcoholic beverages made  
580 in this paragraph for the purpose of extending the tax imposed  
581 by this chapter is reasonable and just, and it is intended that  
582 such tax be separate from, and in addition to, any other tax  
583 imposed on alcoholic beverages.

584 Section 17. This act shall take effect January 1, 2014.