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Biofuels Statutory Citations

State of Florida

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STATE OF FLORIDA

This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2007. In some instances, regulations have been included in the compilation due to their significance. This compilation is intended to serve as a researcher-friendly inventory of state laws by providing the formal title of relevant legislation, the standard legal citation for each statute and a brief description of the law. Some statutes and regulations listed do not specifically relate to biofuels, but are included because of their complementary relationship to the evolution of biofuels law in the state. These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

Title	Citation	Applicability	Description
Innovation Incentive Program (2009)	FL. STAT. ANN. § 288.1089	Both	The Innovation Incentive Program is created within the Office of Tourism, Trade, and Economic Development to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development and innovation business projects. For an alternative and renewable energy project (including biodiesel and ethanol) in this state, the project must: (1) Demonstrate a plan for significant collaboration with an institution of higher education; (2) Provide the state, at a minimum, a break-even return on investment within a 20-year period; (3) Include matching funds provided by the applicant or other available sources. This requirement may be waived if the office and the department determine that the merits of the individual project or the specific circumstances warrant such action; (4) Be located in this state; (5) Provide jobs that pay an estimated

			annual average wage that equals at least 130 percent of the average private sector wage.
Sales, rental, use, consumption, distribution, and storage tax; specified exemption (2008)	FL. STAT. ANN. § 212.08	Both	Through July 1, 2010, the sale or use of the following is exempt from Florida state sales, rental, use, consumption, distribution, and storage tax: 1) hydrogen powered vehicles and related materials, and hydrogen fueling stations, up to a maximum of \$2 million in taxes in each fiscal year in aggregate; 2) materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-E100), including fueling infrastructure, transportation, and storage, up to a maximum of \$1 million in taxes in each fiscal year for all taxpayers. Gasoline fueling station dispenser retrofits for ethanol (E10-E100) distribution also qualify for this exemption.

Investments; authorized securities; loan of securities (2008)	FL. STAT. ANN. § 215.47	Both	In order to create jobs and improve the state's general infrastructure, the Florida State Board of Administration may identify and invest up to 1.5% of the net assets of the system trust fund in technology and growth investments of businesses housed in the state of Florida, including biofuels, renewable energy, and other related applications. The State Board of Administration may offer opportunities to small, state-based investment management firms to facilitate their development and growth.
Renewable energy technologies investment tax credit (2008)	FL. STAT. ANN. § 220.192	Both	A credit against the state sales and use tax is available for costs incurred between July 1, 2006, and June 30, 2010, for the following: 1) 75% of all capital, operation and maintenance, and research and development costs incurred in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state, up to a maximum of \$3 million in each fiscal year for all taxpayers; and 2) 75% of all capital operation and maintenance, and research and development costs incurred in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100)

			and ethanol (E10-E100) in the state, up to a maximum of \$6.5 million in each fiscal year for all taxpayers. This includes the costs of constructing, installing, and equipping such technologies; gasoline fueling station dispenser retrofits for ethanol (E10-E100) distribution also qualify.
Climate-friendly public business (2008)	FL. STAT. ANN. § 286.29	Both	When procuring new vehicles under a state purchasing plan, all state agency, state university, community college, and local government fleets must select the vehicle with the greatest fuel efficiency available for a given use class. Exceptions may be made for emergency responder vehicles when documentation is provided. In addition, all state agencies must use ethanol and biodiesel blended fuels when available. State agencies administering central fueling operations for state-owned vehicles must procure ethanol and biodiesel fuels to use in their vehicle fleet to the greatest extent possible.
Powers and duties of department (2008)	FL. STAT. ANN. § 287.16	Both	The Florida Department of Management Services (DMS), in coordination with the Florida Department of Transportation (DOT), is required to conduct an analysis of fuel additives and biofuels use by the DOT through its central fueling facilities. The DMS is required to encourage other state government entities to analyze transportation fuel usage, including the types and percentages of fuels consumed, and report such information to the DMS.
Florida Renewable Energy Technologies and Energy Efficiency (Florida Energy and Climate Protection Act) (2008)	FL. STAT. ANN. §§ 377.801 TO 377.806	Both	The Florida Renewable Energy Technologies and Energy Efficiency Act is established to increase the state's energy stability and protect public health by advancing the development of efficient and renewable energy technologies, including those related to hydrogen, ethanol, and biodiesel. The

			<p>Act creates the Florida Energy Commission, which is responsible for developing recommendations for legislation to establish a state energy policy, focusing on energy-efficiency issues including the encouragement of in-state research, development, and deployment of alternative fuels for motor vehicles. As required by the Act, the Florida Department of Environmental Protection provided a report entitled Leadership by Example: Energy Efficiency and Conservation, which includes a description of state programs designed to achieve energy conservation and energy efficiency through the inclusion of alternative fuel vehicles in state fleets.</p>
<p>Renewable Energy and Energy Efficient Grants (2008)</p>	<p>FL. STAT. ANN. § 377.804</p>	<p>Both</p>	<p>The Innovation Incentive Program is created within the Office of Tourism, Trade, and Economic Development to provide resources for business projects that allow the state to effectively compete for high-value research and development, including alternative and renewable energy projects. To qualify, an alternative and renewable energy project must involve collaboration with an institution of higher education; provide the state a minimum full return on investment within a 20-year period; include matching funds provided by the applicant or other available sources; and be located in the state of Florida. Additional criteria may apply. For the purposes of this incentive, alternative and renewable energy means electrical, mechanical, or thermal energy produced from a method that uses one or more of the following energy sources: ethanol, cellulosic ethanol, biobutanol, biodiesel, biomass, biogas, hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind, or geothermal.</p>

<p>Mixing, blending, compounding, or adulteration of liquid fuels of same manufacturer prohibited; sale of gasoline blended with ethanol (2008)</p>	<p>FL. STAT. ANN. § 526.06</p>	<p>Ethanol</p>	<p>Ethanol-blended fuels which contain unleaded gasoline and up to 10 percent denatured ethanol by volume may be sold at retail service stations for use in motor vehicles. To provide retail service stations flexibility during the transition period to ethanol-blended fuels, the T50 and TV/L specifications for gasoline containing between 9 and 10 percent ethanol shall be applied to all gasoline containing between 1 and 10 percent ethanol by volume provided the last three or fewer deliveries contained between 9 and 10 percent ethanol by volume. If there is no reasonable availability of ethanol or the price of ethanol exceeds the price of gasoline, the T50 and TV/L specifications for gasoline containing between 9 and 10 percent ethanol shall be applicable for gasoline containing between 1 and 10 percent ethanol for up to three deliveries of fuel.</p>
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<p>Florida Renewable Fuel Standard Act (2008)</p>	<p>FL. STAT. ANN. §§ 526.201 TO 526.206</p>	<p>Ethanol</p>	<p>Beginning December 31, 2010, all gasoline sold or offered for sale in the state by a terminal supplier, importer, blender, or wholesaler must contain 9-10% ethanol by volume (E10). The fuel mandate does not apply to fuel used in aircrafts or watercrafts, fuel sold to a blender, or fuel sold for use in collector vehicle, off-road vehicles, motorcycles, or small engines. If a terminal supplier, importer, blender, or wholesaler is unable to obtain ethanol fuel or E10 at the same or lower price as unblended gasoline, then the covered entity may apply for a waiver.</p>
<p>Sale of liquid fuels: Studies and reports (2008)</p>	<p>FL. STAT. ANN. § 526.207</p>	<p>Both</p>	<p>The Florida Energy and Climate Commission (FECC) is required to conduct a study to evaluate and recommend lifecycle greenhouse gas (GHG) emissions associated with all renewable fuels including biodiesel, renewable diesel, biobutanol, and ethanol derived from any source. FECC must also evaluate and recommend that all renewable fuels introduced into state commerce reduce lifecycle GHG emissions by an average percentage. FECC may also evaluate and recommend the benefits associated with the creation, banking, transfer, and sale of GHG emissions credits among fuel refiners, blenders, and importers. FECC must submit specific recommendations to the state legislature no later than December 31, 2010.</p>

<p>Application for license; temporary license; terminal suppliers, importers, exporters, blenders, biodiesel manufacturers, and wholesalers (2007)</p>	<p>FL. STAT. ANN. § 206.02</p>	<p>Both</p>	<p>It is unlawful for any person to engage in business as a terminal supplier, importer, exporter, blender, biodiesel manufacturer, or wholesaler of motor fuel within this state unless such person is the holder of an unrevoked license issued by the department to engage in such business.</p>
<p>Gasoline and oil to be inspected (2006)</p>	<p>FL. STAT. ANN. § 525.01</p>	<p>Both</p>	<p>All petroleum fuels (which includes alternative fuels such as ethanol and biodiesel) shall be subject to inspection and analysis by the department. Before selling or offering for sale in this state any petroleum fuel, all manufacturers, wholesalers, and jobbers shall file with the department: (a) An affidavit that they desire to do business in this state, and the name and address of the manufacturer of the petroleum fuel and (b) an affidavit stating that the petroleum fuel is in conformity with the standards prescribed by department rule.</p>

Farm-to-fuel initiative (2004)	FL. STAT. ANN. § 570.954	Both	<p>The department may develop a farm-to-fuel initiative to enhance the market for and promote the production and distribution of renewable energy from Florida-grown crops, agricultural wastes and residues, and other biomass and to enhance the value of agricultural products or expand agribusiness in the state. The department may conduct a statewide comprehensive information and education program aimed at educating the general public about the benefits of renewable energy and the use of alternative fuels. The department shall coordinate with and solicit the expertise of the state energy office within the Department of Environmental Protection when developing and implementing this initiative.</p>
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Florida Clean Fuel Act (2004)	FL. STAT. ANN. § 403.42	Both	<p>The purposes of this act are to establish the Clean Fuel Florida Advisory Board under the Department of Environmental Protection to study the implementation of alternative fuel vehicles and to formulate and provide to the Secretary of Environmental Protection recommendations on expanding the use of alternative fuel vehicles in this state and make funding available for implementation. The purpose of the advisory board is to serve as a resource for the department and to provide the Governor, the Legislature, and the Secretary of Environmental Protection with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.</p>
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Definitions (2003)	FL. STAT. ANN. § 206.86	Biodiesel	<p>“Diesel fuel” means all petroleum distillates commonly known as diesel #2, biodiesel, or any other product blended with diesel or any product placed into the storage supply tank of a diesel-powered motor vehicle.</p> <p>“Alternative fuel” means any liquefied petroleum gas product or compressed natural gas product or combination thereof used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas or compressed natural gas. “Biodiesel” means any product made from nonpetroleum-based oils or fats which is suitable for use in diesel-powered engines. Biodiesel is also referred to as alkyl esters. “Biodiesel manufacturer” means those industrial plants, regardless of capacity, where organic products are used in the production of biodiesel. This includes businesses that process or blend organic products that are marketed as biodiesel.</p>
Licenses; necessity; prerequisites; issuance; nonapplicability (2003)	FL. STAT. ANN. § 206.89	Both	<p>An individual who wishes to be a wholesale distributor of an alternative fuel must first apply and obtain a license from the Florida Department of Revenue. Failure to obtain license will result in a 25% penalty on the tax assessed.</p>

<p>Motor vehicles fueled by liquefied petroleum gas or compressed natural gas; payment of annual decal fees in lieu of tax (1997)</p>	<p>FL. STAT. ANN. § 206.877</p>	<p>Both</p>	<p>A person operating an alternative fuel vehicle (AFV) must purchase an annual decal from the Florida Department of Motor Vehicles in lieu of the excise tax on gasoline. Fueling stations are not allowed to fuel an AFV that does not display the proper decal. State and local government AFV fleets are exempt from paying the decal fee. In addition to the state alternative fuel fee imposed by this section, a person fueling a vehicle from their own facility is required to pay a local alternative fuel fee in lieu of each cent of excise tax levied by a county</p>
<p>Refunds to ethanol dealers (1996)</p>	<p>FL. STAT. ANN. § 206.626</p>	<p>Ethanol</p>	<p>Any ethanol dealer who has paid the fuel tax imposed under Chapter 206 on purchases of motor fuel used for denaturing from a duly licensed terminal supplier, importer, or wholesaler is entitled to a refund.</p>

Levy of tax (1996)	FL. STAT. ANN. § 206.87	Biodiesel	An excise tax of 4 cents per gallon is hereby imposed upon each net gallon of diesel fuel subject to the tax under subsection (2), except alternative fuels which are subject to the fee imposed by s. 206.877.
State and local alternative fuel user fee clearing trust fund; distribution (1996)	FL. STAT. ANN. § 206.879	Both	The revenues from the state alternative fuel fees imposed by s. 206.877 shall be deposited into the State Alternative Fuel User Fee Clearing Trust Fund. The revenues from the local alternative fuel fees imposed in lieu of s. 206.87(1)(b) or (c) shall be deposited into the Local Alternative Fuel User Fee Clearing Trust Fund.