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Biofuels Statutory Citations

State of Florida

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This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2013. It 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, the applicability of the statute (ethanol, biodiesel, or both), 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
Fuel tax: exemptions (2013)	FL. STAT. § 206.874	Biodiesel	Cities, counties, or schools that manufacture biodiesel for their own use must pay a reduced portion of the regular fuel tax. If a school produces less than 1,000 gallons annually they are exempted from the fuel tax and registration requirements.
Gasoline and oil Inspections (2013)	FL. STAT. § 525.01	Both	All petroleum fuels (which includes alternative fuels such as ethanol and biodiesel) are subject to inspection by the department. All manufacturers, terminal suppliers, wholesalers, and importers must file: 1) affidavit to do business in the state, and 2) affidavit that the fuel meets department regulatory standards.

Diesel Fuel Definitions (2013)	FL. STAT. § 206.86	Biodiesel	<p>“<i>Diesel fuel</i>” is all petroleum distillates (diesel #2), biodiesel, or any other product blended with diesel or placed into the tank of a diesel-powered vehicle.</p> <p>“<i>Biodiesel</i>” is any product made from nonpetroleum-based oils or fats which is suitable for use in diesel-powered engines.</p> <p>“<i>Biodiesel manufacturer</i>” is a plant, regardless of capacity, where organic products are used in the production of biodiesel, including businesses that process or blend organic products marketed as biodiesel.</p>
Sales, rental, use, consumption, distribution, and storage tax (2012)	FL. STAT. § 212.08 (7) (HHH)	Both	The following are exempt from the state sales or use taxes: materials used in the distribution of biodiesel, ethanol, and other renewable fuels, including fueling infrastructure, transportation, storage, and fueling station pump retrofits; up to a limit of \$1 million per fiscal year for all taxpayers. This provision currently sunsets on July 1, 2016.
Renewable energy technologies investment tax credit (2012)	FL. STAT. § 220.192	Both	Provides a tax credit for 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, ethanol, and other renewable fuels in the state, including retrofits of refueling stations. The credit is capped at \$1 million per taxpayer, and should not exceed a total of \$10 million in each fiscal year for all taxpayers.
Local Government Solid Waste Responsibilities (2012)	FL. STAT. § 403.706	Ethanol	Allows counties that convert yard and paper waste into ethanol to count part of that as a portion of their required annual recycling goal.

Farm-to-fuel initiative (2011)	FL. STAT. § 570.954	Both	Allows the Department of Ag and Consumer Services to develop a farm-to-fuel initiative to promote production of renewable energy from Florida-grown crops, ag waste/residue, and other biomass to enhance the value of agricultural products or expand agribusiness in the state.
Expedited Permitting (2010)	FL. STAT. § 403.973	Both	Allows for expedited permitting process for projects that result in the production of biofuels or biodiesel processing facilities.
Innovation Incentive Program (2009)	FL. STAT. § 288.1089	Both	Creates the Innovation Incentive Program 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. To receive funding for an alternative and renewable energy project, the project must: (1) plan to collaborate with a higher-ed institution; (2) provide the state a break-even return on investment within 20 years; (3) include fund matching; (4) located in this state; (5) provide at least 35 jobs with estimated wage of at least 130% of the average private sector wage.
Investments; authorized securities; loan of securities (2008)	FL. STAT. § 215.47(7)	Both	To create jobs and improve the state's general infrastructure, the Board of Administration may invest up to 1.5% of the net assets of the system trust fund in technology and growth investments of businesses in the state of Florida, including biofuels, renewable energy, and other bio-related applications.

Climate-friendly public business (2008)	FL. STAT. § 286.29	Both	When procuring new vehicles, all state entities must select vehicles with the greatest fuel efficiency available for a given use class. 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 to use in their vehicle fleet to the greatest extent possible.
Powers and duties of department (2008)	FL. STAT. § 287.16	Both	The Department of Management Services, in coordination with the Department of Transportation, must conduct an analysis of fuel additives and biofuels use by the state through its central fueling facilities. The department must encourage other state government entities to analyze transportation fuel use, including the types and percentages of fuels consumed, and report such information to the department.
Renewable Energy and Energy-Efficient Technologies Grants Program (2008)	FL. STAT. § 377.804	Both	Provides matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings. The Department of Ag and Consumer Services is responsible for reviewing grant applications and overseeing the implementation of the program.

<p>Florida Renewable Fuel Standard Act (2008)</p>	<p>FL. STAT. §§ 526.201 TO 526.206 (REPEALED JULY 1, 2013)</p>	<p>Ethanol</p>	<p>All gasoline offered for sale in the state by a terminal supplier, importer, blender, or wholesaler must contain 9-10% ethanol by volume (E10). The 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 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. § 526.207 (REPEALED JULY 1, 2013)</p>	<p>Both</p>	<p>Required the Florida Energy and Climate Commission to conduct a study to evaluate and recommend lifecycle greenhouse gas emissions associated with all renewable fuels including biodiesel, renewable diesel, biobutanol, and ethanol. The commission must also evaluate and recommend that all renewable fuels introduced into state commerce reduce lifecycle GHG emissions. The commission 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.</p>
<p>Florida Clean Fuel Act (2004)</p>	<p>FL. STAT. § 403.42</p>	<p>Both</p>	<p>Establishes the Clean Fuel Florida Advisory Board to study the implementation of alternative fuel vehicles and to provide recommendations on how to fund the expanded use of alternative fuel vehicles in this state. Board dissolved in 2006.</p>
<p>Motor Fuels: Application for license (2003)</p>	<p>FL. STAT. § 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>

Licenses; necessity; prerequisites (2003)	FL. STAT. § 206.89 (REPEALED JAN. 1, 2014)	Both	Individuals wishing to be a wholesale distributor of an alternative fuel must obtain a license from the Florida Department of Revenue. Failure to obtain license will result in a 25% penalty on the tax assessed.
Motor vehicles fueled by liquefied petroleum gas or compressed natural gas (1997)	FL. STAT. § 206.877 (REPEALED JAN. 1, 2014)	Both	Operators of alternative fuel vehicles (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, a person fueling a vehicle from their own facility is required to pay a local alternative fuel fee in lieu of county excise taxes.
Refunds to ethanol dealers (1996)	FL. STAT. § 206.626	Ethanol	Ethanol dealers that pay state fuel tax on purchases of motor fuel used for denaturing from a licensed terminal supplier, importer, or wholesaler are entitled to a refund.