

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 5315-5472 and insert:

5 Section 91. Section 526.201, Florida Statutes, is created
6 to read:

7 526.201 Short title.--Sections 526.201-526.207 may be
8 cited as the "Florida Renewable Fuel Standard Act."

9 Section 92. Section 526.202, Florida Statutes, is created
10 to read:

11 526.202 Legislative findings.--The Legislature finds it is
12 vital to the public interest and to the state's economy to
13 establish a market and the necessary infrastructure for
14 renewable fuels in this state by requiring that all gasoline
15 offered for sale in this state include a percentage of
16 agriculturally derived, denatured ethanol. The Legislature

067875

4/24/2008 1:10 PM

Amendment No.

17 further finds that the use of renewable fuel reduces greenhouse
18 gas emissions and dependence on imports of foreign oil, improves
19 the health and quality of life for Floridians, and stimulates
20 economic development and the creation of a sustainable industry
21 that combines agricultural production with state-of-the-art
22 technology.

23 Section 93. Section 526.203, Florida Statutes, is created
24 to read:

25 526.203 Renewable fuel standard.--

26 (1) DEFINITIONS.--As used in this act:

27 (a) "Blender," "importer," "terminal supplier," and
28 "wholesaler" are defined as provided in s. 206.01.

29 (b) "Blended gasoline" means a mixture of 90 to 91 percent
30 gasoline and 9 to 10 percent fuel ethanol, by volume, that meets
31 the specifications as adopted by the department. The fuel
32 ethanol portion may be derived from any agricultural source.

33 (c) "Fuel ethanol" means an anhydrous denatured alcohol
34 produced by the conversion of carbohydrates that meets the
35 specifications as adopted by the department.

36 (d) "Unblended gasoline" means gasoline that has not been
37 blended with fuel ethanol and that meets the specifications as
38 adopted by the department.

39 (2) FUEL STANDARD.--Beginning December 31, 2010, all
40 gasoline sold or offered for sale in Florida by a terminal
41 supplier, importer, blender, or wholesaler shall be blended
42 gasoline.

43 (3) EXEMPTIONS.--The requirements of this act do not apply
44 to the following:

067875

4/24/2008 1:10 PM

Amendment No.

45 (a) Fuel used in aircraft.

46 (b) Fuel sold for use in boats and similar watercraft.

47 (c) Fuel sold to a blender.

48 (d) Fuel sold for use in collector vehicles or vehicles
49 eligible to be licensed as collector vehicles, off-road
50 vehicles, motorcycles, or small engines.

51 (e) Fuel unable to comply due to requirements of the
52 United States Environmental Protection Agency.

53 (f) Fuel transferred between terminals.

54 (g) Fuel exported from the state in accordance with s.
55 206.052.

56 (h) Fuel qualifying for any exemption in accordance with
57 chapter 206.

58 (i) Fuel for a railroad locomotive.

59 (j) Fuel for equipment, including vehicle or vessel,
60 covered by a warranty that would be voided, if explicitly stated
61 in writing by the vehicle or vessel manufacturer, if the
62 equipment were to be operated using fuel meeting the
63 requirements of subsection (2).

64
65 All records of sale of unblended gasoline shall include the
66 following statement: "Unblended gasoline may be sold only for
67 the purposes authorized under s. 526.203(3), F.S."

68 (4) REPORT.--Pursuant to s. 206.43, each terminal
69 supplier, importer, blender, and wholesaler shall include in its
70 report to the Department of Revenue the number of gallons of
71 blended and unblended gasoline sold. The Department of Revenue
72 shall provide a monthly summary report to the department.

067875

4/24/2008 1:10 PM

Amendment No.

73 Section 94. Section 526.204, Florida Statutes, is created
74 to read:

75 526.204 Waivers and suspensions.--

76 (1) If a terminal supplier, importer, blender, or
77 wholesaler is unable to obtain fuel ethanol or blended gasoline
78 at the same or lower price as unblended gasoline, then the sale
79 or delivery of unblended gasoline by the terminal supplier,
80 importer, blender, or wholesaler shall not be deemed a violation
81 of this act. The terminal supplier, importer, blender, or
82 wholesaler shall, upon request of the department, provide the
83 required documentation regarding the sales transaction and price
84 of fuel ethanol, blended gasoline, and unblended gasoline to the
85 department.

86 (2) To account for supply disruptions and ensure reliable
87 supplies of motor fuels in the state, the requirements of this
88 act shall be suspended when the provisions of s. 252.36(2) in
89 any area of the state are in effect plus an additional 30 days.

90 Section 95. Section 526.205, Florida Statutes, is created
91 to read:

92 526.205 Enforcement; extensions.--

93 (1) Unless a waiver or suspension pursuant to s. 526.204
94 applies, or an extension has been granted pursuant to subsection
95 (3), it shall be unlawful for a terminal supplier, importer,
96 blender, or wholesaler to sell or distribute, or offer for sale
97 or distribution, any gasoline which fails to meet the
98 requirements of this act.

Amendment No.

99 (2) Upon a determination by the department of a violation
100 of this act, the department shall enter an order imposing one or
101 more of the following penalties:

102 (a) Issuance of a warning letter.

103 (b) Imposition of an administrative fine of not more than
104 \$1,000 per violation for a first-time offender. For a second-
105 time or repeat offender, or any person who is shown to have
106 willfully and intentionally violated any provision of this act,
107 the administrative fine shall not exceed \$5,000 per violation.
108 When imposing any fine under this section, the department shall
109 consider the monetary benefit to the violator as a result of
110 noncompliance, whether the violation was committed willfully,
111 and the compliance record of the violator. All funds recovered
112 by the department shall be deposited into the General Inspection
113 Trust Fund.

114 (3) Any terminal supplier, importer, blender, or
115 wholesaler may apply to the department by September 30, 2010,
116 for an extension of time to comply with the requirements of this
117 act. The application for an extension must demonstrate that the
118 applicant has made a good faith effort to comply with the
119 requirements but has been unable to do so for reasons beyond the
120 applicant's control, such as delays in receiving governmental
121 permits. The department shall review each application and make a
122 determination as to whether the failure to comply was beyond the
123 control of the applicant. If the department determines that the
124 applicant made a good faith effort to comply, but was unable to
125 do so for reasons beyond the applicant's control, the department

067875

4/24/2008 1:10 PM

Amendment No.

126 shall grant an extension of time determined necessary for the
127 applicant to comply.

128 Section 96. Section 526.206, Florida Statutes, is created
129 to read:

130 526.206 Rules.--The Department of Revenue and the
131 Department of Agriculture and Consumer Services are authorized
132 to adopt rules pursuant to ss. 120.536(1) and 120.54 to
133 implement the provisions of this act.

134 Section 97. Section 526.207, Florida Statutes, is created
135 to read:

136 526.207 Studies and reports.--

137 (1) The Florida Energy and Climate Commission shall
138 conduct a study to evaluate and recommend the life-cycle
139 greenhouse gas emissions associated with all renewable fuels,
140 including, but not limited to, biodiesel, renewable diesel,
141 biobutanol, and ethanol derived from any source. In addition,
142 the commission shall evaluate and recommend a requirement that
143 all renewable fuels introduced into commerce in the state, as a
144 result of the renewable fuel standard, shall reduce the life-
145 cycle greenhouse gas emissions by an average percentage. The
146 commission may also evaluate and recommend any benefits
147 associated with the creation, banking, transfer, and sale of
148 credits among fuel refiners, blenders, and importers.

149 (2) The Florida Energy and Climate Commission shall submit
150 a report containing specific recommendations to the President of
151 the Senate and the Speaker of the House of Representatives no
152 later than December 31, 2010.

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067875

4/24/2008 1:10 PM

Amendment No.

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155 **T I T L E A M E N D M E N T**

156 Remove lines 315-318 and insert:
157 and reporting; creating s. 526.204, F.S.; providing for waivers;
158 providing for suspension of standard requirement during declared
159 emergencies; creating s. 526.205, F.S.; providing for
160 enforcement of the act; providing for extensions; creating s.
161 526.206, F.S.;