

12B-5.020 Definitions; Specific Exemptions.

(1) Definitions.

(a) "Alcohol" means completely denatured ethanol (ethyl alcohol) or methanol (wood alcohol) derived from grain, agricultural products, wood, coal, or other products, other than petroleum or natural gas, manufactured, produced, sold or purchased for the purpose of blending with gasoline, or for 100 percent alcohol fuel used in motor vehicles. Alcohol, when used in motor vehicles, is a motor fuel subject to all of the provisions of Section 206.41, F.S.

(b) "Business Purposes" means diesel fuel used in the normal course of business in stationary equipment or self-propelled equipment, other than vessels, which moves between points using a diesel powered engine and is not required to be licensed under the motor vehicle license laws under Chapter 320, F.S.

(c) "Enterer" means the importer of record with respect to fuel. However, if the importer of record is acting as an agent (e.g., the importer of record is a customs broker engaged by the owner of the fuel), the person for whom the agent is acting is the enterer. If there is no importer of record for fuel entered into Florida, the enterer is the owner of the fuel at the time the fuel is brought into Florida.

(d) "Fuel" means all fuels as defined in Chapter 206, F.S., and this rule chapter, including fuel grade ethanol, manufactured, produced, sold, or purchased for use as a gasoline blending component, or for use in a motor vehicle.

(e) "Fuel grade ethanol" means ethanol blended with at least 1.97 percent gasoline pursuant 27 C.F.R. §19.746 (4-1-22) and (hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-16295>).

(f) "Gasohol" means a mixture of gasoline blended with ethanol, which contains not more than 91 percent gasoline by volume, and the ethanol content must not be less than nine percent by volume.

(g) "Gasoline" means any mixture used as a fuel in spark-ignition, internal combustion engines, which has an octane number not less than 75 and a lead content not greater than 0.05 grams per gallon.

(h) "Licensee" means all terminal suppliers, importers, wholesalers, exporters, carriers, terminal operators, blenders, local government users, mass transit systems, or natural gas fuel retailers.

(i) "Marinas" shall mean any facilities for the sale, repair, rental, storage, or servicing of boats.

(j) "Sales to United States Government" means the sale of motor fuel, undyed diesel fuel and aviation fuel to the United States or the federal government, its departments or agencies, and to contract flying schools which train cadets for the United States Air Force under contract whereby the United States reimburses the school for the fuel so used.

(k) "Wholesale" means the sale of fuel at or below the loading rack of a terminal.

(2) Exemptions.

(a) Sales of Fuel to the United States Government.

1. Fuel sold to the United States Government, its departments, or its agencies, in quantities of 500 gallons or more in each delivery, for exclusive use in equipment, devices, or motors operated by the United States is exempt from tax. This exemption does not apply to sales of fuel delivered to service stations or other outlets for resale.

2.a. Unless expressly exempt Chapter 206, F.S., the sale of fuel to contractors operating under contract with the United States is taxable.

b. The sale of fuel to service organizations is taxable.

3. Terminal suppliers or wholesalers may obtain a credit for taxes paid on fuel sold to the United States government, its departments, or its agencies in quantities of 500 gallons or more, as provided in subsection (6) of Rule 12B-5.050, and subsection (6) of Rule 12B-5.060, F.A.C.

(b) Dyed Diesel Fuel. Dyed diesel fuel purchased from licensees is exempt from the taxes imposed under Chapter 206, F.S., except for dyed diesel fuel used for taxable purposes which is subject to backup tax under Section 206.873, F.S.

(c) Sale of Fuel for Agricultural Use.

1. The purchase of undyed diesel fuel used in any tractor, vehicle, or other equipment which is used exclusively on a farm for planting, cultivating, harvesting, or processing farm products for sale, is exempt from the taxes imposed under Section 206.87, F.S., when purchased from a licensed terminal supplier or wholesaler.

2.a. Persons who purchase fuel for agricultural use must provide a terminal supplier or wholesaler with the estimated number of gallons of fuel which will be used for exempt and taxable use at the time of purchase.

b. Such persons must pay tax to their supplier on gallons used for nonagricultural use.

3. When a purchaser has underestimated tax liability on the use of fuel during a month, the purchaser must notify and pay any

additional tax to the supplier from which the fuel was purchased.

Rulemaking Authority 206.14(1), 206.59(1), 206.62(10), 206.87(1)(e)2., 213.06(1) FS. Law Implemented 206.41(4)(b), 206.62, 206.874, 206.97 FS. History—New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06, 6-1-09, 1-17-13, 1-20-14, 1-1-24.