



Instructions for Filing Local Government User of Diesel Fuel Tax Return

DR-309634N
R. 01/14

Rule 12B-5.150
Florida Administrative Code
Effective 01/14

General Instructions

What's New - Beginning July 1, 2013, municipalities, counties, and school districts (local governments) are no longer required to obtain a wholesalers license if they manufacture biodiesel for its own use. Instead, they must obtain a local government user of diesel fuel license and report production, usage and inventory of biodiesel on a Local Government User of Diesel Fuel Tax Return (DR-309634). Municipalities, counties, and school districts that produce biodiesel and use the product on the highways of Florida must pay fuel tax on the total gallons used on-road. Report the total gallons of biodiesel produced during the collection period on schedule 2A (schedule of receipts) as product type B00. In addition, report inventory and usage on page 4, columns E, G, or I.

Note – Municipalities, counties, and school districts that produce biodiesel for sale must obtain a wholesalers license and report inventory, production and sales on the *Wholesaler/Importer Fuel Tax Return (DR-309632)*.

Who Must File? Licensed local government users must use this return monthly to report acquisitions, inventory, and use of gasoline, undyed diesel, dyed diesel, and biodiesel fuel. This return is also used to report credits of tax-paid gasoline, undyed diesel, and biodiesel fuel used on the highway, and to pay tax for the use of dyed diesel on the highway as defined under section (s.) 206.87(1) (a), (b), (c), and (d), Florida Statutes (F.S.).

Counties or municipalities that use fuel for both highway use as a mass transit system provider and as a local government user must have separate licenses for each function and file separate returns. Fuel used by a Mass transit system provider must be reported on the *Mass Transit System Provider Fuel Tax Return*. Fuel for county and municipal highway use must be filed on the *Local Government User of Fuel Tax Return*.

A county or municipality that uses fuel for highway use may report that activity and school district activity on the same return if the FEIN for the county or municipality and school district are the same. If the school district has a different FEIN, the school district must file a separate return.

Return Due Date: Your tax return is due to the Department on the 1st day of the month following the collection period. Returns filed electronically will be considered late if you do not initiate your filing and receive confirmation from the Department on or before the 20th day of each month. If you do not file your return electronically, it must be post-marked or hand-delivered to the Department on or before the 20th day of the month following the collection month. If the 20th day is a Saturday, Sunday, state or federal holiday, electronic and paper returns will be accepted as timely if filed on the next business day.

Electronic Filing: File your *Local Government User of Fuel Tax Return* by using our on-line application. You may enroll to file electronically on our Internet site at www.myflorida.com/dor.

Payment Due Date: You must initiate your electronic payment no later than 5:00 p.m., ET, on the business day prior to the 20th. You must send electronic payments on or before the initiation deadlines. (Check the *Calendar of Due Dates*, Form DR-659). Visit the Department's Internet site at www.myflorida.com/dor for information on filing and paying taxes electronically.

Late Returns: If your payment or return is late, a delinquency penalty of 10 percent of any tax due will be added for each month, or portion of a month, the return is late. The maximum penalty is 50 percent and the minimum is \$10, even if you file a tax return with no tax due. Florida law provides a floating interest rate for late payments of taxes due. Interest rates, including daily rates are published in Tax Information Publications (TIPs) that are updated semiannually on January 1 and July 1 of each year and posted online at www.myflorida.com/dor.

Supplemental Returns: If you must correct a previously filed fuel tax return or supporting schedule information, please contact the Returns Reconciliation Section at 800-352-3671 to obtain specific supplemental return instructions and blank forms.

Note: A supplemental return is any data reported to the Florida Department of Revenue that adjusts or corrects an original return. The values listed within a supplemental return must reflect the difference between the original and any previously filed supplemental return(s) and the corrected return. Corrections to understated gallons or additional transactions not included on the original return must be reported as positive values. Erroneously reported gallons or overstated transactions included on the original return must be reported as negative values.

Tax and Credit Rates: The applicable tax and credit rates are entered by the Department. The state tax rate on fuel and the county fuel tax rates imposed by counties as provided in sections 206.41, 206.87, 206.9825, 212.05, and 212.08(4), Florida Statutes (F.S.), are published annually in Taxpayer Information Publications on the Department's website at www.myflorida.com/dor.

Reporting of Biodiesel Product Types

Biodiesel (B100): Biodiesel and products labeled or marketed as biodiesel, including products known as "B100," that have not been blended with petroleum diesel, are included in the definition of diesel. These products are taxable at the diesel fuel rate when produced in or imported into this state in the same manner as petroleum diesel. Report unblended biodiesel as **Product Type B00**. Report tax paid fuel on Schedule 1A, and carry the total gallons to Part II, Line 2, Column D, F, or H. Report tax unpaid fuel on Schedule 2A, and carry the total gallons to Page 4, Part II, Line 2, Column E, G, or I.

Dyed Biodiesel (B100): Biodiesel dyed to the specifications of s. 206.8741, F.S., is exempt from diesel fuel tax. Report dyed biodiesel as **Product Type D00**. Report tax unpaid fuel on Schedule 2A, and carry the total gallons to Page 4, Part II, Line 2, Column E, G, or I.

Biodiesel Blends (167): A biodiesel blend is defined as undyed biodiesel blended with petroleum diesel (i.e., B05). Report all biodiesel blends as undyed diesel fuel (**Product Type 167**). Report tax paid fuel on Schedule 1A, and carry the total gallons to Page 4, Part II, Line 2, Column D, F, and H. Report tax unpaid fuel on Schedule 2A, and carry the total gallons to Page 4, Part II, Line 2, Column E, G, or I.

Dyed Biodiesel Blends (227): A dyed biodiesel blend is defined as dyed biodiesel blended with dyed petroleum diesel (i.e., D05). Dyed biodiesel blends must be dyed to the specifications of s. 206.8741, F.S., to be exempt from diesel fuel tax. Report dyed biodiesel blends as **Product Type 227**. Report tax unpaid fuel on Schedule 2A, and carry the total gallons to Page 4, Part II, Line 2, Column E, G, or I.

Ethanol Blends: Ethanol blends are taxable products resulting from a blend of gasoline and ethanol to create a fuel grade ethanol. Fuel grade ethanol is defined as ethanol blended with at least 1.97 percent gasoline by volume to render the product unsuitable for human consumption. Report tax paid fuel on Schedule 1A, and carry the total gallons to Page 4, Part 1, Line 2, Column A, B, or C.

Note: Motor Fuel tax is due on all gallons of fuel grade ethanol.

Gasohol (124) – “Gasohol” means a mixture of gasoline blended with ethanol and includes what is commonly known and sold as ethanol blended fuel which contains not more than 91 percent gasoline by volume, and the ethanol content must not be less than 9 percent by volume. Gasohol is a reportable product liable for the motor fuel tax administered under Part I, Chapter 206, F.S. Report gasohol as **Product Type 124**, and include it on your tax return on Page 4, Part I, Line 2, Column A, B, or C.

Line-by-Line Instructions

Do not make entries in shaded areas.

When reporting less than .50 gallons, round down to the nearest whole gallon, if .50 or more, round up to the nearest whole gallon.

Counties, municipalities, and school districts must report information in the appropriate columns in Part I and Part II of the return.

Part I - Gasoline

Line 1: Beginning physical inventory – The amounts entered on Line 1 must be the same as the ending physical inventory amounts from Line 5 of your previous month’s return.

Line 2: Receipts – Report the total gallons of gasoline and gasohol from the Local Government User - Schedule of Receipts on Line 2, Column A, B, or C of your return based on your filing entity type. Report only the gallons of gasoline and gasohol received during the reporting period.

Line 3: Disbursements – Report the total gallons of gasoline and gasohol from the Local Government User - Schedule of Disbursements on Line 3, Column A, B, or C of your return based on your filing entity type. Report only the gallons of gasoline and gasohol disbursed during the reporting period.

Line 3a. Off-highway use – Report gallons of fuel used for “off-road” purposes. These gallons do not qualify for a refund.

Line 3b. Sales – Report gallons of fuel you held in storage and sold. These gallons do not qualify for refund.

Line 3c. On-highway use – Report gallons of fuel used in motor vehicles operated by the municipality, county, or school district, which qualify for refund.

Line 4: Gain or loss – Enter the number of gallons of gasoline and gasohol gained or lost in storage due to changes in temperature or spillage on Line 4, Column A, B, and C of your return based on your filing entity type. Do not report gallons lost as a result of theft.

Line 5: Ending physical inventory – Enter the actual physical inventory as of the end of the last day of the collection period. Line 5 must equal Line 1 plus Line 2 minus Lines 3a, 3b, and 3c plus or minus Line 4.

Line 6A: Gallons entitled to credit – Enter the total of Line 3c minus any gain reported on Line 4.

Line 6B: Credit Rate – The credit rate is entered by the Department.

Line 7: Gasoline credit – Multiply Line 6A, Column A, B, and C by the credit rate (Line 6B) and enter the results in Columns A, B, and C.

Line 8: Total gasoline credit – Add Line 7, Columns A, B, Line and C.

Part II - Diesel

1: Beginning physical inventory – The amounts entered on Line 1 must be the same as the ending physical inventory amounts reported on Line 5 of your previous month’s return.

- Report gallons of tax paid diesel fuel in inventory in Columns D, F, and H based on your filing entity type.
- Report gallons of tax unpaid diesel fuel in inventory in Columns E, G, and I based on your filing entity type.
- **Note:** See biodiesel and biodiesel blends.

Line 2: Receipts – Report the total gallons of diesel from the Local Government User - Schedule of Receipts on Line 2, Column D, E, F, G, H, and I of your return based on your filing entity type. Report only the gallons of tax paid or unpaid diesel received during the reporting period.

Line 3: Disbursements – Report the total gallons of diesel from the Local Government User - Schedule of Disbursements on Line 3, Column D, E, F, G, H, and I of your return based on your filing entity type. Report only the gallons of tax paid or unpaid diesel disbursed during the reporting period.

Line 3a. Off-highway use – Report gallons of fuel used for “off-road” purposes. These gallons qualify for refund on this form.

Line 3b. Sales – Report gallons of fuel you held in storage and sold. These gallons do not qualify for refund.

Line 3c. On-highway use – Report gallons of fuel used in motor vehicles operated by the municipality, county, or school district, which qualify for refund.

- Report gallons of tax-paid diesel fuel in Column D, F, and H. These gallons qualify for a refund.
- Report gallons of untaxed diesel fuel in Column E, G, and I. These gallons are subject to tax.

Line 4: Gain or loss – Enter the number of gallons of tax paid or unpaid diesel gained or lost in storage due to changes in temperature or spillage, on Line 4, Columns D, E, F, G, H, and I based on the filing entity type. Do not report gallons lost as a result of theft.

Line 5: Ending physical inventory – Enter the actual physical inventory as of the end of the last day of the collection period. Line 5 must equal Line 1 plus Line 2 minus Line 3a, 3b, and 3c plus or minus Line 4.

- Report gallons of tax paid diesel fuel in Columns D, F, and H based on your filing entity type.
- Report gallons of tax unpaid diesel fuel in Columns E, G, and I based on your filing entity type.
- **Note:** See biodiesel and biodiesel blends.

Line 6: Taxable gallons – Enter the total gallons of tax unpaid diesel fuel from Part II, Line 3c, Columns E, G, and I.

Line 7: Diesel fuel tax due – Multiply Line 6A, Column E, G,

and I by the tax rate (Line 6B) and enter the results in Columns E, G, and I.

Line 8: Diesel fuel credit (Off-highway use) – Multiply Line 3a, Columns D, F, and H by the credit rate and enter the results in Columns D, F, and H.

Line 9: Diesel fuel credit (On-highway use) – Subtract any gain reported on Line 4 from Line 3c for Columns D, F, and H. Multiply the results by the credit rate and enter the credit in Columns D, F, and H.

Line 10: Total diesel fuel credit – Add Line 8 to Line 9, Columns D, F, and H and enter the results.

Line 11: Total diesel fuel tax due – Enter the sum of Columns E, G, and I from Part II, Line 7.

Line 12a: Part II diesel fuel tax credit – Enter the sum of Columns D, F, and H from Part II, Line 10.

Line 12b: Part I gasoline fuel tax credit – Enter the amount from Part I, Line 8.

Line 13: Combined credits – Enter the sum of Line 12a plus Line 12b.

Line 14: Net tax due – Subtract Line 13 from Line 11.

Note: If Line 13 exceeds Line 11, enter the difference in brackets on Line 14.

If your return and payment are submitted on time, you may skip to Line 17. If your return or payment is filed after the 20th day of the month, you must compute and pay penalty and/or interest.

Line 15: Penalty – If your return or payment is late, compute penalty as indicated in General Instructions under Late Returns and enter the result.

Line 16: Interest – If your tax payment is late, compute interest as indicated in the General Instructions under Late Returns and enter the result.

Line 17: Total due with return – If Line 11 is greater than Line 13; enter the result of Line 11 minus Line 13 plus Lines 15 and 16 on Line 17. This is the amount of tax, penalty, and interest you owe with your return.

Line 18: Amount to be refunded – If Line 13 is greater than Line 11, enter the result of Line 13 minus Line 11 on Line 18.

Schedule Instructions

You must provide completed schedule(s) of receipts for all gasoline, gasohol, and diesel transactions. You must file a separate schedule for each type of fuel received or sold. If you need additional copies of schedules, you may make as many copies as you need to provide the required information. You must submit required schedule information in the same format as the schedules provided.

Schedule of Receipts (Pages 5 and 6)

The following schedule types provide detail in support of the amounts shown as receipts on your return. Use this schedule to report receipts of gasoline, gasohol, and diesel on a transaction-by-transaction basis. You must fill out Columns 1 through 5 for each receipt before your return is considered complete.

If you submit a fuel management report for the detail required on the Schedule of Receipts, it must include a summary total entry for each supplier you acquire product from. The fuel management report must be in the same format and provide the same information as the schedules provided.

Schedule Type/Product Type

Complete a separate schedule type for each product type you report. Enter one of the following receipt schedule types with the appropriate product type.

- 1A. Gallons Received** – Florida Tax Paid (Gasoline or tax paid diesel including tax paid biodiesel)
- 2A. Gallons Received** – Tax Unpaid (Dyed Diesel and any untaxed biodiesel)

Name of Local Government User, FEIN, and Collection Period Ending

Enter the appropriate information on each schedule page for the reporting local government user shown on the front of the tax return.

Column Instructions

Column (1): Name of Supplier – Enter the name of the supplier that sold you the product.

Column (2): Supplier's FEIN/DEPN – Enter the FEIN/DEPN of the supplier that sold you the product.

Column (3): Date Received – Enter the date you received the product.

Column (4): Invoice Number – Enter the invoice or other document number issued by the supplier.

Column (5): Gallons Received – Enter the net amount of whole gallons received.

Biodiesel Production – Report all biodiesel produced during the month on Schedule 2A (Schedule of Receipts – Local Government User). Summarize biodiesel production by entering your name and FEIN in columns 1 and 2, the last day of the month in column 3, sum in column 4, and the total gallons produced for the month in column 5.

Schedule of Disbursements (Pages 7 and 8)

The following schedule types provide detail in support of the amounts shown as disbursements to other local

government users on your return. Use this schedule to report disbursements of gasoline, gasohol, and diesel (including biodiesel) on a transaction-by-transaction basis. You must fill out Columns 1 through 5 for each disbursement before your return is considered complete.

Schedule Type/Product Type

Complete a separate schedule type for each product type you report. Enter one of the following disbursement schedule types with the appropriate product type.

- 5A. Gallons Disbursed – Tax Paid.**
- 6B. Gallons of Dyed Diesel Disbursed – Florida Tax Unpaid.**

Name of Local Government User, FEIN, and Collection Period Ending

Enter the appropriate information on each schedule page for the reporting local government user shown on the front of the tax return.

Column Instructions

Column (1): Name of Purchaser – Enter the name of the purchaser that bought the product from you.

Column (2): Purchaser FEIN – Enter the FEIN of the purchaser that bought the product from you.

Column (3): Date Sold – Enter the date you sold the product.

Column (4): Document Number – Enter the invoice or other document number you issued to the purchaser.

Column (5): Gallons Sold – Enter the net amount of whole gallons sold.

Schedule Type Identifying Information

Schedule 5A Gallons of Undyed Diesel, Gasoline or Gasohol Delivered – All Taxes Collected

Use this schedule to report sales of undyed diesel, gasoline, gasohol, or biodiesel fuel.

Schedule 6B Gallons of Dyed Diesel Delivered – Florida Tax Unpaid

Use this schedule to report sales of dyed diesel fuel or untaxed biodiesel.

Biodiesel Producers – Municipalities, counties, and school districts that manufacture biodiesel are not authorized to sell biodiesel to anyone, including other local government entities, unless all of the following apply:

1. The municipality, county, or school district is licensed as a wholesaler.
2. The municipality, county, or school district reported production, sales, and inventory of biofuel on a Wholesaler/Importer Fuel Tax Return (DR-309632).
3. The municipality, county, or school district paid state and local option taxes on all biofuel produced during the collection period.

YOU MUST SIGN AND DATE YOUR RETURN.

Table of Schedule Types

Schedule of Receipts - Use one of the following schedule types for each product type reported.	
1A	Gallons Received - Florida Tax Paid
2 A	Gallons Received - Tax Unpaid
Schedule of Disbursements Table - Use one of the following schedule types for each product type reported.	
5A	Gallons Disbursed - Tax Paid
6B	Gallons of Dyed Diesel Disbursed - Florida Tax Unpaid

The table below lists the reportable product types and the appropriate columns on the tax return.

Table of Product Types

Section A 065 - Gasoline 124 - Gasohol	Section B 167 - Low Sulfur Diesel #2/Undyed/Blended Biodiesel (B20, B10, B5, B2) B00 - Undyed Unblended Biodiesel (B00)
Section C 226 - High Sulfur Diesel Fuel - Dyed 227 - Low Sulfur Diesel Fuel - Dyed D00 - Dyed Biodiesel (B100)	