

By Senator Carlton

24-389A-00

1 A bill to be entitled
2 An act relating to the Motor Fuel Marketing
3 Practices Act; amending s. 526.303, F.S.;
4 redefining the terms "nonrefiner cost" and
5 "retail outlet"; amending s. 526.304, F.S.;
6 providing for the deduction of discounts when
7 determining whether gasoline is being sold
8 below cost; providing legislative intent;
9 providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsections (7) and (14) of section
14 526.303, Florida Statutes, are amended to read:

15 526.303 Definitions.--As used in this act:

16 (7) "Nonrefiner cost" means: the nonrefiner's invoice
17 cost by grade of the motor fuel, ~~by grade~~, less credit card
18 allowances, trade discounts, and rebates actually received,
19 which may not be less than the posted terminal price of the
20 nonrefiner's supplier as determined in accordance with
21 subsection (8), to which shall be added federal, state, and
22 local taxes and inspection fees applicable to motor fuel;
23 freight charges to the retail outlet; and direct labor costs
24 and the reasonable rental value of the retail outlet
25 attributable to the sale of motor fuel by the nonrefiner. If
26 motor fuel is sold with another item at a combined price,
27 nonrefiner motor fuel cost shall also include the cost of the
28 other item and the direct labor costs and the reasonable
29 rental value of the retail outlet attributable to the retail
30 sale of the item by the nonrefiner.

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1 (14) "Retail outlet" means a facility, including land
2 and improvements, where motor fuel is offered for sale, at
3 retail, to the ~~motoring~~ public, including a facility selling
4 only to members.

5 Section 2. Subsections (1) and (2) of section 526.304,
6 Florida Statutes, are amended to read:

7 526.304 Predatory practices unlawful; exceptions.--

8 (1)(a) It is unlawful for any refiner engaged in
9 commerce in this state to sell any grade or quality of motor
10 fuel at a retail outlet at a price which, after deducting any
11 discounts received at the time of purchase, is below refiner
12 cost, where the effect is to injure competition.

13 (b) It is unlawful for any nonrefiner engaged in
14 commerce in this state to sell any grade or quality of motor
15 fuel at a retail outlet at a price which, after deducting any
16 discounts received at the time of purchase, is below
17 nonrefiner cost, where the effect is to injure competition.

18 (2)(a) An isolated, inadvertent incident involving
19 activity prohibited pursuant to subsection (1) or subsection
20 (3) shall not be a violation of this act.

21 (b) A refiner's sale below refiner cost or a
22 nonrefiner's sale below nonrefiner cost made in good faith to
23 meet an equally low retail price, net of any discounts
24 received at the time of sale, of a competitor selling motor
25 fuel of like grade in the same relevant geographic market
26 which can be used in the same motor vehicle, or of the same or
27 similar items in combination with motor fuel of like grade
28 which can be used in the same motor vehicle, is not a
29 violation of this act.

30 Section 3. It is the intent of the Legislature that
31 this act clarifies and confirms existing law.

