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A bill to be entitled

An act relating to motor fuel taxes; providing a popular name; providing for a reduction in the motor fuel tax for one month; providing dealer requirements; providing legislative intent; providing for a reduction in certain refunds for the same period; authorizing the executive director of the Department of Revenue to adopt emergency rules for certain purpose; making unlawful certain activities of certain entities relating to the tax reduction; providing criminal penalties; amending s. 16.56, F.S.; including offenses specified in this act under the investigation and prosecution authority of the Office of Statewide Prosecution; amending s. 206.026, F.S.; including offenses specified in this act under provisions prohibiting certain persons from holding certain licenses for certain violations; amending s. 206.404, F.S.; providing for revocation of certain licenses for violations of this act; providing appropriations; providing an effective date.

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

Section 1. This act may be referred to by the popular name the "Florida Motor Fuel Tax Relief Act of 2004."

Section 2. Beginning at 12:01 a.m. August 1, 2004, through midnight August 31, 2004, the tax levied pursuant to s. 206.41(1)(g), Florida Statutes, shall be reduced by 10 cents per gallon. During this period, licensed terminal suppliers, wholesalers, and importers of motor fuel shall charge and

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30 collect the reduced rate of tax on sales of motor fuel to retail  
 31 dealers located in this state.

32 Section 3. It is the intent of the Legislature that the  
 33 tax reduction set forth in this act be passed on to the ultimate  
 34 consumer. The Attorney General may investigate violations of  
 35 this act.

36 Section 4. Refunds authorized pursuant to s. 206.41(4),  
 37 Florida Statutes, for fuel purchased during the period described  
 38 in section 2 shall be reduced by the amount of the tax reduction  
 39 set forth in that section.

40 Section 5. The executive director of the Department of  
 41 Revenue is authorized to adopt emergency rules under ss.  
 42 120.536(1) and 120.54(4), Florida Statutes, to implement the  
 43 provisions of this act. Notwithstanding any other law, the  
 44 emergency rules shall remain effective for 6 months after the  
 45 date of adoption of the rules.

46 Section 6. It is unlawful for a terminal supplier,  
 47 wholesaler, importer, reseller, or retail dealer of motor fuel  
 48 to retain any part of the tax reduction set forth in this act or  
 49 to interfere with providing the full benefit of the tax  
 50 reduction to the retail purchaser of motor fuel. Any person  
 51 violating the provisions of this act commits a felony of the  
 52 third degree, punishable as provided in s. 775.082 or s.  
 53 775.083, Florida Statutes.

54 Section 7. Paragraph (a) of subsection (1) of section  
 55 16.56, Florida Statutes, is amended to read:

56 16.56 Office of Statewide Prosecution.--

57 (1) There is created in the Department of Legal Affairs an  
 58 Office of Statewide Prosecution. The office shall be a separate

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59 "budget entity" as that term is defined in chapter 216. The  
60 office may:

61 (a) Investigate and prosecute the offenses of:

62 1. Bribery, burglary, criminal usury, extortion, gambling,  
63 kidnapping, larceny, murder, prostitution, perjury, robbery,  
64 carjacking, and home-invasion robbery;

65 2. Any crime involving narcotic or other dangerous drugs;

66 3. Any violation of the provisions of the Florida RICO  
67 (Racketeer Influenced and Corrupt Organization) Act, including  
68 any offense listed in the definition of racketeering activity in  
69 s. 895.02(1)(a), providing such listed offense is investigated  
70 in connection with a violation of s. 895.03 and is charged in a  
71 separate count of an information or indictment containing a  
72 count charging a violation of s. 895.03, the prosecution of  
73 which listed offense may continue independently if the  
74 prosecution of the violation of s. 895.03 is terminated for any  
75 reason;

76 4. Any violation of the provisions of the Florida Anti-  
77 Fencing Act;

78 5. Any violation of the provisions of the Florida  
79 Antitrust Act of 1980, as amended;

80 6. Any crime involving, or resulting in, fraud or deceit  
81 upon any person;

82 7. Any violation of s. 847.0135, relating to computer  
83 pornography and child exploitation prevention, or any offense  
84 related to a violation of s. 847.0135;

85 8. Any violation of the provisions of chapter 815; ~~or~~

86 9. Any criminal violation of part I of chapter 499; or

87 10. Any violation of the provisions of the Florida Motor

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88 Fuel Tax Relief Act of 2004;

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 90 or any attempt, solicitation, or conspiracy to commit any of the  
 91 crimes specifically enumerated above. The office shall have such  
 92 power only when any such offense is occurring, or has occurred,  
 93 in two or more judicial circuits as part of a related  
 94 transaction, or when any such offense is connected with an  
 95 organized criminal conspiracy affecting two or more judicial  
 96 circuits.

97 Section 8. Subsection (1) of section 206.026, Florida  
 98 Statutes, is amended to read:

99 206.026 Certain persons prohibited from holding a terminal  
 100 supplier, importer, exporter, blender, carrier, terminal  
 101 operator, or wholesaler license; suspension and revocation.--

102 (1) No corporation, except a publicly held corporation  
 103 regularly traded on a national securities exchange and not over  
 104 the counter, general or limited partnership, sole  
 105 proprietorship, business trust, joint venture or unincorporated  
 106 association, or other business entity shall hold a terminal  
 107 supplier, importer, exporter, blender, carrier, terminal  
 108 operator, or wholesaler license in this state if any one of the  
 109 persons or entities specified in paragraph (a) has been  
 110 determined by the department not to be of good moral character  
 111 or has been convicted of any offense specified in paragraph (b):

- 112 (a)1. The licenseholder.
- 113 2. The sole proprietor of the licenseholder.
- 114 3. A corporate officer or director of the licenseholder.
- 115 4. A general or limited partner of the licenseholder.
- 116 5. A trustee of the licenseholder.

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117 6. A member of an unincorporated association  
118 licenseholder.

119 7. A joint venturer of the licenseholder.

120 8. The owner of any equity interest in the licenseholder,  
121 whether as a common shareholder, general or limited partner,  
122 voting trustee, or trust beneficiary.

123 9. An owner of any interest in the license or  
124 licenseholder, including any immediate family member of the  
125 owner, or holder of any debt, mortgage, contract, or concession  
126 from the licenseholder, who by virtue thereof is able to control  
127 the business of the licenseholder.

128 (b)1. A felony in this state.

129 2. Any felony in any other state which would be a felony  
130 if committed in this state under the laws of Florida.

131 3. Any felony under the laws of the United States.

132 4. A felony under the Florida Motor Fuel Tax Relief Act of  
133 2004.

134 Section 9. Subsection (3) of section 206.404, Florida  
135 Statutes, is amended to read:

136 206.404 License requirements for retail dealers and  
137 resellers; penalty.--

138 (3) Any retail dealer or reseller in violation of the  
139 provisions of this chapter or the provisions of the Florida  
140 Motor Fuel Tax Relief Act of 2004 shall be subject to revocation  
141 of his or her license under chapter 212.

142 Section 10. (1) The sum of \$50,000 is appropriated from  
143 the General Revenue Fund to the Department of Revenue for  
144 purposes of administering this act.

145 (2) The sum of \$67,800,000 is appropriated from the

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146 General Revenue Fund to the State Transportation Trust Fund.

147           Section 11. This act shall take effect upon becoming a

148 law.