

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Kilmer offered the following:

Amendment

Remove line(s) 35-201 and insert:

price of \$50 or less per item during the period from 12:01 a.m., July 24, 2004, through midnight, August 1, 2004.

2. As used in this paragraph, the term:

a. "Book" means a set of printed sheets bound together and published in a volume. For purposes of this paragraph, the term "book" does not include newspapers, magazines, or other periodicals.

b. "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. For purposes of this paragraph, the term "clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

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27 (b)1. School supplies having a sales price of \$10 or less
28 per item during the period from 12:01 a.m., July 24, 2004,
29 through midnight, August 1, 2004.

30 2. As used in this paragraph, the term "school supplies"
31 means pens, pencils, erasers, crayons, notebooks, notebook
32 filler paper, legal pads, composition books, poster paper,
33 scissors, cellophane tape, glue or paste, rulers, computer
34 disks, protractors, compasses, and calculators.

35 (2) This section does not apply to sales within a theme
36 park or entertainment complex as defined in s. 509.013(9),
37 Florida Statutes, within a public lodging establishment as
38 defined in s. 509.013(4), Florida Statutes, or within an airport
39 as defined in s. 330.27(2), Florida Statutes.

40 (3) Notwithstanding chapter 120, Florida Statutes, the
41 Department of Revenue may adopt rules to carry out this section.

42 Section 2. Sections 3 through 11 of this act may be
43 referred to by the popular name the "Florida Motor Fuel Tax
44 Relief Act of 2004."

45 Section 3. Beginning at 12:01 a.m. August 1, 2004, through
46 midnight August 31, 2004, the tax levied pursuant to s.
47 206.41(1)(g), Florida Statutes, shall be reduced by 8 cents per
48 gallon. During this period, licensed terminal suppliers,
49 wholesalers, and importers of motor fuel shall charge and
50 collect the reduced rate of tax on sales of motor fuel to retail
51 dealers located in this state.

52 Section 4. It is the intent of the Legislature that the
53 tax reduction set forth in this act be passed on to the ultimate

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54 consumer. The Attorney General may investigate violations of
55 this act.

56 Section 5. Refunds authorized pursuant to s. 206.41(4),
57 Florida Statutes, for fuel purchased during the period described
58 in section 3 shall be reduced by the amount of the tax reduction
59 set forth in that section.

60 Section 6. The executive director of the Department of
61 Revenue is authorized to adopt emergency rules under ss.
62 120.536(1) and 120.54(4), Florida Statutes, to implement the
63 provisions of this act. Notwithstanding any other law, the
64 emergency rules shall remain effective for 6 months after the
65 date of adoption of the rules.

66 Section 7. It is unlawful for a terminal supplier,
67 wholesaler, importer, reseller, or retail dealer of motor fuel
68 to retain any part of the tax reduction set forth in this act or
69 to interfere with providing the full benefit of the tax
70 reduction to the retail purchaser of motor fuel. Any person
71 violating the provisions of this act commits a felony of the
72 third degree, punishable as provided in s. 775.082 or s.
73 775.083, Florida Statutes.

74 Section 8. Paragraph (a) of subsection (1) of section
75 16.56, Florida Statutes, is amended to read:

76 16.56 Office of Statewide Prosecution.--

77 (1) There is created in the Department of Legal Affairs an
78 Office of Statewide Prosecution. The office shall be a separate
79 "budget entity" as that term is defined in chapter 216. The
80 office may:

81 (a) Investigate and prosecute the offenses of:

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82 1. Bribery, burglary, criminal usury, extortion, gambling,
83 kidnapping, larceny, murder, prostitution, perjury, robbery,
84 carjacking, and home-invasion robbery;

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

86 3. Any violation of the provisions of the Florida RICO
87 (Racketeer Influenced and Corrupt Organization) Act, including
88 any offense listed in the definition of racketeering activity in
89 s. 895.02(1)(a), providing such listed offense is investigated
90 in connection with a violation of s. 895.03 and is charged in a
91 separate count of an information or indictment containing a
92 count charging a violation of s. 895.03, the prosecution of
93 which listed offense may continue independently if the
94 prosecution of the violation of s. 895.03 is terminated for any
95 reason;

96 4. Any violation of the provisions of the Florida Anti-
97 Fencing Act;

98 5. Any violation of the provisions of the Florida
99 Antitrust Act of 1980, as amended;

100 6. Any crime involving, or resulting in, fraud or deceit
101 upon any person;

102 7. Any violation of s. 847.0135, relating to computer
103 pornography and child exploitation prevention, or any offense
104 related to a violation of s. 847.0135;

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

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

107 10. Any violation of the provisions of the Florida Motor
108 Fuel Tax Relief Act of 2004;
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110 or any attempt, solicitation, or conspiracy to commit any of the
111 crimes specifically enumerated above. The office shall have such
112 power only when any such offense is occurring, or has occurred,
113 in two or more judicial circuits as part of a related
114 transaction, or when any such offense is connected with an
115 organized criminal conspiracy affecting two or more judicial
116 circuits.

117 Section 9. Subsection (1) of section 206.026, Florida
118 Statutes, is amended to read:

119 206.026 Certain persons prohibited from holding a terminal
120 supplier, importer, exporter, blender, carrier, terminal
121 operator, or wholesaler license; suspension and revocation.--

122 (1) No corporation, except a publicly held corporation
123 regularly traded on a national securities exchange and not over
124 the counter, general or limited partnership, sole
125 proprietorship, business trust, joint venture or unincorporated
126 association, or other business entity shall hold a terminal
127 supplier, importer, exporter, blender, carrier, terminal
128 operator, or wholesaler license in this state if any one of the
129 persons or entities specified in paragraph (a) has been
130 determined by the department not to be of good moral character
131 or has been convicted of any offense specified in paragraph (b):

- 132 (a)1. The licenseholder.
133 2. The sole proprietor of the licenseholder.
134 3. A corporate officer or director of the licenseholder.
135 4. A general or limited partner of the licenseholder.
136 5. A trustee of the licenseholder.

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137 6. A member of an unincorporated association
138 licenseholder.

139 7. A joint venturer of the licenseholder.

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

143 9. An owner of any interest in the license or
144 licenseholder, including any immediate family member of the
145 owner, or holder of any debt, mortgage, contract, or concession
146 from the licenseholder, who by virtue thereof is able to control
147 the business of the licenseholder.

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

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

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

152 4. A felony under the Florida Motor Fuel Tax Relief Act of
153 2004.

154 Section 10. Subsection (3) of section 206.404, Florida
155 Statutes, is amended to read:

156 206.404 License requirements for retail dealers and
157 resellers; penalty.--

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

162 Section 11. In order to accomplish the intent of the
163 Legislature set forth in section 4 of this act, a retail dealer
164 of motor fuel, at the dealer's option, may manage its motor fuel

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165 inventory in such a way that the benefit to residents of this
166 state of the tax reduction is maximized during August 2004. A
167 retail dealer of motor fuel may sell motor fuel purchased
168 without the tax reduction at an amount determined as if the tax
169 reduction applied and may sell motor fuel purchased with the tax
170 reduction at an amount determined as if the tax reduction did
171 not apply; provided the retail dealer can show that the number
172 of gallons purchased with the reduced tax equals the number of
173 gallons sold at a price reflecting the reduced tax.

174 Section 12. (1) The sum of \$206,000 is appropriated from
175 the General Revenue Fund to the Department of Revenue for
176 purposes of administering section 1 of this act.

177 (2) The sum of \$310,000 is appropriated from the General
178 Revenue Fund to the Department of Revenue for the purpose of
179 developing and implementing a public awareness campaign for and
180 administering sections 2 through 11 of this act.

181 Section 13. Effective July 1, 2004, the sum of \$58 million