

Bill No. CS for SB 244 & 1566

Amendment No. ____ Barcode 801704

CHAMBER ACTION

Senate

House

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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

On page 3, between lines 20 and 21,

insert:

Section 6. Sections 7 through 15 of this act may be referred to by the popular name the "Florida Motor Fuel Tax Relief Act of 2004."

Section 7. Beginning at 12:01 a.m. August 1, 2004, through midnight August 31, 2004, the tax levied pursuant to section 206.41(1)(g), Florida Statutes, shall be reduced by 8 cents per gallon. During this period, licensed terminal suppliers, wholesalers, and importers of motor fuel shall charge and collect the reduced rate of tax on sales of motor fuel to retail dealers located in this state.

Section 8. It is the intent of the Legislature that the tax reduction set forth in this act be passed on to the ultimate consumer. The Attorney General may investigate violations of this act.

Section 9. Refunds authorized pursuant to section

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1 206.41(4), Florida Statutes, for fuel purchased during the
2 period described in section 7 shall be reduced by the amount
3 of the tax reduction set forth in that section.

4 Section 10. The executive director of the Department
5 of Revenue is authorized to adopt emergency rules under
6 sections 120.536(1) and 120.54(4), Florida Statutes, to
7 implement the provisions of this act. Notwithstanding any
8 other law, the emergency rules shall remain effective for 6
9 months after the date of adoption of the rules.

10 Section 11. It is unlawful for a terminal supplier,
11 wholesaler, importer, reseller, or retail dealer of motor fuel
12 to retain any part of the tax reduction set forth in this act
13 or to interfere with providing the full benefit of the tax
14 reduction to the retail purchaser of motor fuel. Any person
15 violating the provisions of this act commits a felony of the
16 third degree, punishable as provided in section 775.082 or
17 section 775.083, Florida Statutes.

18 Section 12. Paragraph (a) of subsection (1) of section
19 16.56, Florida Statutes, is amended to read:

20 16.56 Office of Statewide Prosecution.--

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

25 (a) Investigate and prosecute the offenses of:

26 1. Bribery, burglary, criminal usury, extortion,
27 gambling, kidnapping, larceny, murder, prostitution, perjury,
28 robbery, carjacking, and home-invasion robbery;

29 2. Any crime involving narcotic or other dangerous
30 drugs;

31 3. Any violation of the provisions of the Florida RICO

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1 (Racketeer Influenced and Corrupt Organization) Act, including
 2 any offense listed in the definition of racketeering activity
 3 in s. 895.02(1)(a), providing such listed offense is
 4 investigated in connection with a violation of s. 895.03 and
 5 is charged in a separate count of an information or indictment
 6 containing a count charging a violation of s. 895.03, the
 7 prosecution of which listed offense may continue independently
 8 if the prosecution of the violation of s. 895.03 is terminated
 9 for any reason;

10 4. Any violation of the provisions of the Florida
 11 Anti-Fencing Act;

12 5. Any violation of the provisions of the Florida
 13 Antitrust Act of 1980, as amended;

14 6. Any crime involving, or resulting in, fraud or
 15 deceit upon any person;

16 7. Any violation of s. 847.0135, relating to computer
 17 pornography and child exploitation prevention, or any offense
 18 related to a violation of s. 847.0135;

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

20 9. Any criminal violation of part I of chapter 499;

21 or

22 10. Any violation of the provisions of the Florida
 23 Motor Fuel Tax Relief Act of 2004;

24
 25 or any attempt, solicitation, or conspiracy to commit any of
 26 the crimes specifically enumerated above. The office shall
 27 have such power only when any such offense is occurring, or
 28 has occurred, in two or more judicial circuits as part of a
 29 related transaction, or when any such offense is connected
 30 with an organized criminal conspiracy affecting two or more
 31 judicial circuits.

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1 Section 13. Subsection (1) of section 206.026, Florida
2 Statutes, is amended to read:

3 206.026 Certain persons prohibited from holding a
4 terminal supplier, importer, exporter, blender, carrier,
5 terminal operator, or wholesaler license; suspension and
6 revocation.--

7 (1) No corporation, except a publicly held corporation
8 regularly traded on a national securities exchange and not
9 over the counter, general or limited partnership, sole
10 proprietorship, business trust, joint venture or
11 unincorporated association, or other business entity shall
12 hold a terminal supplier, importer, exporter, blender,
13 carrier, terminal operator, or wholesaler license in this
14 state if any one of the persons or entities specified in
15 paragraph (a) has been determined by the department not to be
16 of good moral character or has been convicted of any offense
17 specified in paragraph (b):

18 (a)1. The licenseholder.

19 2. The sole proprietor of the licenseholder.

20 3. A corporate officer or director of the
21 licenseholder.

22 4. A general or limited partner of the licenseholder.

23 5. A trustee of the licenseholder.

24 6. A member of an unincorporated association
25 licenseholder.

26 7. A joint venturer of the licenseholder.

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

30 9. An owner of any interest in the license or
31 licenseholder, including any immediate family member of the

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1 owner, or holder of any debt, mortgage, contract, or
2 concession from the licenseholder, who by virtue thereof is
3 able to control the business of the licenseholder.

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

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

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

8 4. A felony under the Florida Motor Fuel Tax Relief
9 Act of 2004.

10 Section 14. Subsection (3) of section 206.404, Florida
11 Statutes, is amended to read:

12 206.404 License requirements for retail dealers and
13 resellers; penalty.--

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

18 Section 15. In order to accomplish the intent of the
19 Legislature set forth in section 8 of this act, a retail
20 dealer of motor fuel, at the dealer's option, may manage its
21 motor fuel inventory in such a way that the benefit to
22 residents of this state of the tax reduction is maximized
23 during August 2004. A retail dealer of motor fuel may sell
24 motor fuel purchased without the tax reduction at an amount
25 determined as if the tax reduction applied and may sell motor
26 fuel purchased with the tax reduction at an amount determined
27 as if the tax reduction did not apply; provided the retail
28 dealer can show that the number of gallons purchased with the
29 reduced tax equals the number of gallons sold at a price
30 reflecting the reduced tax.

31 Section 16. (1) The sum of \$206,000 is appropriated

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1 from the General Revenue Fund to the Department of Revenue for
2 purposes of administering section 1 of this act.

3 (2) The sum of \$310,000 is appropriated from the
4 General Revenue Fund to the Department of Revenue for the
5 purpose of developing and implementing a public awareness
6 campaign for and administering sections 6 through 15 of this
7 act.

8 Section 17. Effective July 1, 2004, the sum of \$58
9 million is appropriated from the General Revenue Fund to the
10 State Transportation Trust Fund.

11
12 (Redesignate subsequent sections.)

13

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 13, following the second semicolon

18

19 insert:

20 providing a popular name; providing for a
21 reduction in the motor fuel tax for one month;
22 providing dealer requirements; providing
23 legislative intent; providing for a reduction
24 in certain refunds for the same period;
25 authorizing the executive director of the
26 Department of Revenue to adopt emergency rules
27 for certain purpose; making unlawful certain
28 activities of certain entities relating to the
29 tax reduction; providing criminal penalties;
30 amending s. 16.56, F.S.; including offenses
31 specified in this act under the investigation

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1 and prosecution authority of the Office of
2 Statewide Prosecution; amending s. 206.026,
3 F.S.; including offenses specified in this act
4 under provisions prohibiting certain persons
5 from holding certain licenses for certain
6 violations; amending s. 206.404, F.S.;
7 providing for revocation of certain licenses
8 for violations of this act; authorizing motor
9 fuel dealers to manage motor fuel inventory to
10 maximize tax reduction benefits; providing
11 criteria; providing appropriations;

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