

1 A bill to be entitled
 2 An act relating to prohibited display of gasoline prices;
 3 amending s. 526.111, F.S.; prohibiting the display of
 4 gasoline prices when the advertised product is not on hand
 5 and readily available for sale; providing a penalty;
 6 amending s. 526.302, F.S.; providing legislative intent
 7 and findings relating to the display of a motor fuel
 8 product for sale when the advertised product is not on
 9 hand and readily available for sale; amending s. 526.307,
 10 F.S.; providing that it is unlawful to display or allow to
 11 be displayed any advertised price of gasoline when the
 12 advertised product is not on hand and readily available
 13 for sale, for which there are penalties; providing an
 14 effective date.

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

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 18 Section 1. Subsection (2) of section 526.111, Florida
 19 Statutes, is renumbered as subsection (3), and a new subsection
 20 (2) is added to that section, to read:

21 526.111 Prohibited display of gasoline prices; penalty.--
 22 (2) It is unlawful for any person, firm, or corporation to
 23 display, or allow to be displayed on his or her premises, any
 24 sign, placard, or other advertisement relating to the retail
 25 price of gasoline unless the grades of gasoline advertised are
 26 on hand and readily available for sale. Advertisement of a grade
 27 of gasoline for sale when it is not available for sale is
 28 misleading to the public , impairs competition, and is contrary

29 to the public interest. Such practice is a deceptive and unfair
 30 trade practice that affects not only gasoline competition but
 31 the safety of the driving public. Such advertisement is
 32 especially damaging during emergency situations such as
 33 hurricanes or other acts of God.

34 ~~(3)-(2)~~ Violation of the provisions of this section shall
 35 constitute a misdemeanor of the second degree, punishable as
 36 provided in s. 775.082 or s. 775.083.

37 Section 2. Section 526.302, Florida Statutes, is amended
 38 to read:

39 526.302 Legislative findings and intent.--The Legislature
 40 finds that fair and healthy competition in the marketing of
 41 motor fuel provides maximum benefits to consumers in this state,
 42 and that certain marketing practices that ~~which~~ impair such
 43 competition are contrary to the public interest. Predatory
 44 practices and, under certain conditions, discriminatory
 45 practices~~,~~ are unfair trade practices and restraints that ~~which~~
 46 adversely affect motor fuel competition. The Legislature also
 47 finds that the advertising by retail motor fuel outlets of a
 48 motor fuel product for sale when it is not available for sale is
 49 misleading to the public, impairs competition, and is contrary
 50 to the public interest. Such practice is a deceptive and unfair
 51 trade practice that affects not only motor fuel competition but
 52 the safety of the driving public. Such advertisement is
 53 especially damaging during emergency situations such as
 54 hurricanes or other acts of God. It is the intent of the
 55 Legislature to encourage competition and promote the general

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56 welfare of citizens of this state by prohibiting such unfair
57 practices.

58 Section 3. Subsection (3) is added to section 526.307,
59 Florida Statutes, to read:

60 526.307 Unfair practices unlawful.--

61 (3) It is unlawful for any person, firm, or corporation to
62 display, or allow to be displayed on his or her premises, any
63 sign, placard, or other advertisement relating to the retail
64 price of gasoline unless the grades of gasoline advertised are
65 on hand and readily available for sale. Advertisement of a
66 product for sale when it is not available is misleading to the
67 public and is a deceptive and unfair trade practice. Such
68 advertisement is especially damaging during emergency situations
69 such as hurricanes or other acts of God.

70 Section 4. This act shall take effect July 1, 2007.