

By Senator Wilson

33-1964-07

See HB 1025

1 A bill to be entitled

2 An act relating to prohibited display of

3 gasoline prices; amending s. 526.111, F.S.;

4 prohibiting the display of gasoline prices when

5 the advertised product is not on hand and

6 readily available for sale; providing a

7 penalty; amending s. 526.302, F.S.; providing

8 legislative intent and findings relating to the

9 display of a motor fuel product for sale when

10 the advertised product is not on hand and

11 readily available for sale; amending s.

12 526.307, F.S.; providing that it is unlawful to

13 display or allow to be displayed any advertised

14 price of gasoline when the advertised product

15 is not on hand and readily available for sale,

16 for which there are penalties; providing an

17 effective date.

18

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

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21 Section 1. Subsection (2) of section 526.111, Florida

22 Statutes, is renumbered as subsection (3), and a new

23 subsection (2) is added to that section, to read:

24 526.111 Prohibited display of gasoline prices;

25 penalty.--

26 (2) It is unlawful for any person, firm, or

27 corporation to display, or allow to be displayed on his or her

28 premises, any sign, placard, or other advertisement relating

29 to the retail price of gasoline unless the grades of gasoline

30 advertised are on hand and readily available for sale.

31 Advertisement of a grade of gasoline for sale when it is not

1 available for sale is misleading to the public, impairs
2 competition, and is contrary to the public interest. Such
3 practice is a deceptive and unfair trade practice that affects
4 not only gasoline competition but the safety of the driving
5 public. Such advertisement is especially damaging during
6 emergency situations such as hurricanes or other acts of God.

7 ~~(3)(2)~~ Violation of the provisions of this section
8 shall constitute a misdemeanor of the second degree,
9 punishable as provided in s. 775.082 or s. 775.083.

10 Section 2. Section 526.302, Florida Statutes, is
11 amended to read:

12 526.302 Legislative findings and intent.--The
13 Legislature finds that fair and healthy competition in the
14 marketing of motor fuel provides maximum benefits to consumers
15 in this state, and that certain marketing practices ~~that which~~
16 impair such competition are contrary to the public interest.

17 Predatory practices and, under certain conditions,
18 discriminatory practices, are unfair trade practices and
19 restraints ~~that which~~ adversely affect motor fuel competition.

20 The Legislature also finds that the advertising by retail
21 motor fuel outlets of a motor fuel product for sale when it is
22 not available for sale is misleading to the public, impairs
23 competition, and is contrary to the public interest. Such
24 practice is a deceptive and unfair trade practice that affects
25 not only motor fuel competition but the safety of the driving
26 public. Such advertisement is especially damaging during
27 emergency situations such as hurricanes or other acts of God.

28 It is the intent of the Legislature to encourage competition
29 and promote the general welfare of citizens of this state by
30 prohibiting such unfair practices.

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

3 526.307 Unfair practices unlawful.--

4 (3) It is unlawful for any person, firm, or
5 corporation to display, or allow to be displayed on his or her
6 premises, any sign, placard, or other advertisement relating
7 to the retail price of gasoline unless the grades of gasoline
8 advertised are on hand and readily available for sale.
9 Advertisement of a product for sale when it is not available
10 is misleading to the public and is a deceptive and unfair
11 trade practice. Such advertisement is especially damaging
12 during emergency situations such as hurricanes or other acts
13 of God.

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