



646374

CHAMBER ACTION

Senate

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House

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1 Senator Fasano moved the following **amendment**:

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3 **Senate Amendment (with title amendment)**

4 Between lines 4243 and 4244,
5 insert:

6 Section 91. Sections 91 through 94 of this act may be cited
7 as the "Florida Motor Fuel Tax Relief Act of 2008."

8 Section 92. Beginning at 12:01 a.m. July 1, 2008, and
9 ending at midnight July 14, 2008, the tax levied under s.
10 206.41(1)(g), Florida Statutes, shall be reduced by 10 cents per
11 gallon. During this period, licensed terminal suppliers,
12 wholesalers, and importers of motor fuel shall charge and collect
13 the reduced rate of tax on sales of motor fuel to retail dealers
14 located in this state.

15 Section 93. It is the intent of the Legislature that the
16 tax reduction set forth in this act be passed on to the ultimate



646374

17 consumer. The Attorney General may investigate violations of this
18 act.

19 Section 94. Refunds authorized under s. 206.41(4), Florida
20 Statutes, for fuel purchased during the period described in
21 section 71 shall be reduced by the amount of the tax reduction
22 set forth in that section.

23 Section 95. The executive director of the Department of
24 Revenue is authorized to adopt emergency rules under ss.
25 120.536(1) and 120.54(4), Florida Statutes, to implement sections
26 91 through 94 of this act. Notwithstanding any other law, the
27 emergency rules shall remain effective for 6 months after the
28 date of adoption of the rules.

29 Section 96. A terminal supplier, wholesaler, importer,
30 reseller, or retail dealer of motor fuel may not retain any part
31 of the tax reduction set forth in this act or interfere with the
32 provision of the full benefit of the tax reduction to the retail
33 purchaser of motor fuel. A person who violates sections 91
34 through 94 of this act commits a felony of the third degree,
35 punishable as provided in s. 775.082 or s. 775.083, Florida
36 Statutes.

37 Section 97. Paragraph (a) of subsection (1) of section
38 16.56, Florida Statutes, is amended to read:

39 16.56 Office of Statewide Prosecution.--

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

44 (a) Investigate and prosecute the offenses of:



646374

- 45 | 1. Bribery, burglary, criminal usury, extortion, gambling,
46 | kidnapping, larceny, murder, prostitution, perjury, robbery,
47 | carjacking, and home-invasion robbery;
- 48 | 2. Any crime involving narcotic or other dangerous drugs;
- 49 | 3. Any violation of the provisions of the Florida RICO
50 | (Racketeer Influenced and Corrupt Organization) Act, including
51 | any offense listed in the definition of racketeering activity in
52 | s. 895.02(1)(a), providing such listed offense is investigated in
53 | connection with a violation of s. 895.03 and is charged in a
54 | separate count of an information or indictment containing a count
55 | charging a violation of s. 895.03, the prosecution of which
56 | listed offense may continue independently if the prosecution of
57 | the violation of s. 895.03 is terminated for any reason;
- 58 | 4. Any violation of the provisions of the Florida Anti-
59 | Fencing Act;
- 60 | 5. Any violation of the provisions of the Florida Antitrust
61 | Act of 1980, as amended;
- 62 | 6. Any crime involving, or resulting in, fraud or deceit
63 | upon any person;
- 64 | 7. Any violation of s. 847.0135, relating to computer
65 | pornography and child exploitation prevention, or any offense
66 | related to a violation of s. 847.0135 or any violation of chapter
67 | 827 where the crime is facilitated by or connected to the use of
68 | the Internet or any device capable of electronic data storage or
69 | transmission;
- 70 | 8. Any violation of the provisions of chapter 815;
- 71 | 9. Any criminal violation of part I of chapter 499;
- 72 | 10. Any violation of the provisions of the Florida Motor
73 | Fuel Tax Relief Act of 2004 or the Florida Motor Fuel Tax Relief
74 | Act of 2008;



646374

75 | 11. Any criminal violation of s. 409.920 or s. 409.9201; or
76 | 12. Any crime involving voter registration, voting, or
77 | candidate or issue petition activities;

78 |
79 | or any attempt, solicitation, or conspiracy to commit any of the
80 | crimes specifically enumerated above. The office shall have such
81 | power only when any such offense is occurring, or has occurred,
82 | in two or more judicial circuits as part of a related
83 | transaction, or when any such offense is connected with an
84 | organized criminal conspiracy affecting two or more judicial
85 | circuits.

86 | Section 98. Subsection (1) of section 206.026, Florida
87 | Statutes, is amended to read:

88 | 206.026 Certain persons prohibited from holding a terminal
89 | supplier, importer, exporter, blender, carrier, terminal
90 | operator, or wholesaler license; suspension and revocation.--

91 | (1) No corporation, except a publicly held corporation
92 | regularly traded on a national securities exchange and not over
93 | the counter, general or limited partnership, sole proprietorship,
94 | business trust, joint venture or unincorporated association, or
95 | other business entity shall hold a terminal supplier, importer,
96 | exporter, blender, carrier, terminal operator, or wholesaler
97 | license in this state if any one of the persons or entities
98 | specified in paragraph (a) has been determined by the department
99 | not to be of good moral character or has been convicted of any
100 | offense specified in paragraph (b):

- 101 | (a)1. The licenseholder.
102 | 2. The sole proprietor of the licenseholder.
103 | 3. A corporate officer or director of the licenseholder.
104 | 4. A general or limited partner of the licenseholder.



646374

- 105 5. A trustee of the licenseholder.
- 106 6. A member of an unincorporated association licenseholder.
- 107 7. A joint venturer of the licenseholder.
- 108 8. The owner of any equity interest in the licenseholder,
- 109 whether as a common shareholder, general or limited partner,
- 110 voting trustee, or trust beneficiary.
- 111 9. An owner of any interest in the license or
- 112 licenseholder, including any immediate family member of the
- 113 owner, or holder of any debt, mortgage, contract, or concession
- 114 from the licenseholder, who by virtue thereof is able to control
- 115 the business of the licenseholder.

- 116 (b)1. A felony in this state.
- 117 2. Any felony in any other state which would be a felony if
- 118 committed in this state under the laws of Florida.
- 119 3. Any felony under the laws of the United States.
- 120 4. A felony under the Florida Motor Fuel Tax Relief Act of
- 121 2004 or a felony under the Florida Motor Fuel Tax Relief Act of
- 122 2008.

123 Section 99. Subsection (3) of section 206.404, Florida
124 Statutes, is amended to read:

125 206.404 License requirements for retail dealers and
126 resellers; penalty.--

127 (3) Any retail dealer or reseller in violation of the
128 provisions of this chapter, ~~or~~ the provisions of the Florida
129 Motor Fuel Tax Relief Act of 2004, or the Florida Motor Fuel Tax
130 Relief Act of 2008 shall be subject to revocation of his or her
131 license under chapter 212.

132 Section 100. To achieve the intent of the Legislature set
133 forth in section 93 of this act, a retail dealer of motor fuel,
134 at the dealer's option, may manage its motor fuel inventory in



646374

135 such a way that the benefit to residents of this state of the tax
136 reduction is maximized during the affected time period. A retail
137 dealer of motor fuel may sell motor fuel purchased without the
138 tax reduction at an amount determined as if the tax reduction
139 applied and may sell motor fuel purchased with the tax reduction
140 at an amount determined as if the tax reduction did not apply if
141 the retail dealer can show that the number of gallons purchased
142 with the reduced tax equals the number of gallons sold at a price
143 reflecting the reduced tax.

144 Section 101. The sum of \$90,000 is appropriated from the
145 General Revenue Fund to the Department of Revenue for the purpose
146 of developing and implementing a public awareness campaign for
147 and administering sections 91 through 94 of this act.

148 Section 102. Effective July 1, 2008, the sum of \$50 million
149 is appropriated from the General Revenue Fund to the State
150 Transportation Trust Fund.

151

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

153 And the title is amended as follows:

154 On line 257, after the second semicolon,
155 insert:

156 creating the Florida Motor Fuel Tax Relief Act of 2008;
157 providing for a reduction in the motor fuel tax for 2
158 weeks; providing dealer requirements; providing
159 legislative intent; providing for a reduction in
160 certain refunds for the same period; authorizing the
161 executive director of the Department of Revenue to
162 adopt emergency rules for certain purposes; making
163 unlawful certain activities of certain entities
164 relating to the tax reduction; providing criminal



646374

165 penalties; amending s. 16.56, F.S.; including offenses
166 specified in this act under the investigation and
167 prosecution authority of the Office of Statewide
168 Prosecution; amending s. 206.026, F.S.; including
169 offenses specified in this act under provisions
170 prohibiting certain persons from holding certain
171 licenses for certain violations; amending s. 206.404,
172 F.S.; providing for revocation of certain licenses for
173 violations of this act; authorizing motor fuel dealers
174 to manage motor fuel inventory to maximize tax-
175 reduction benefits; providing criteria; providing
176 appropriations;