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CHAMBER ACTION

Senate

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House

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1 Senator Fasano moved the following **amendment to amendment**
2 **(306956)** :

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

5 Between lines 2179 and 2180,
6 insert:

7 Section 38. Sections 39 through 42 of this act may be cited
8 as the "Florida Motor Fuel Tax Relief Act of 2008."

9 Section 39. Beginning at 12:01 a.m. July 1, 2008, and
10 ending at midnight July 14, 2008, the tax levied under s.
11 206.41(1)(g), Florida Statutes, shall be reduced by 10 cents per
12 gallon. During this period, licensed terminal suppliers,
13 wholesalers, and importers of motor fuel shall charge and collect
14 the reduced rate of tax on sales of motor fuel to retail dealers
15 located in this state.

16 Section 40. It is the intent of the Legislature that the
17 tax reduction set forth in this act be passed on to the ultimate



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

20 Section 41. Refunds authorized under s. 206.41(4), Florida
21 Statutes, for fuel purchased during the period described in
22 section 39 shall be reduced by the amount of the tax reduction
23 set forth in that section.

24 Section 42. The executive director of the Department of
25 Revenue is authorized to adopt emergency rules under ss.
26 120.536(1) and 120.54(4), Florida Statutes, to implement this
27 act. Notwithstanding any other law, the emergency rules shall
28 remain effective for 6 months after the date of adoption of the
29 rules.

30 Section 43. A terminal supplier, wholesaler, importer,
31 reseller, or retail dealer of motor fuel may not retain any part
32 of the tax reduction set forth in this act or interfere with
33 providing the full benefit of the tax reduction to the retail
34 purchaser of motor fuel. A person who violates sections 39
35 through 42 of this act commits a felony of the third degree,
36 punishable as provided in s. 775.082 or s. 775.083, Florida
37 Statutes.

38 Section 44. Paragraph (a) of subsection (1) of section
39 16.56, Florida Statutes, is amended to read:

40 16.56 Office of Statewide Prosecution.--

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

45 (a) Investigate and prosecute the offenses of:



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



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

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

87 Section 45. Subsection (1) of section 206.026, Florida
88 Statutes, is amended to read:

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

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

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



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106 5. A trustee of the licenseholder.

107 6. A member of an unincorporated association licenseholder.

108 7. A joint venturer of the licenseholder.

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

112 9. An owner of any interest in the license or
113 licenseholder, including any immediate family member of the
114 owner, or holder of any debt, mortgage, contract, or concession
115 from the licenseholder, who by virtue thereof is able to control
116 the business of the licenseholder.

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

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

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

121 4. A felony under the Florida Motor Fuel Tax Relief Act of
122 2004 or a felony under the Florida Motor Fuel Tax Relief Act of
123 2008.

124 Section 46. Subsection (3) of section 206.404, Florida
125 Statutes, is amended to read:

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

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

133 Section 47. To achieve the intent of the Legislature set
134 forth in section 40 of this act, a retail dealer of motor fuel,
135 at the dealer's option, may manage its motor fuel inventory in



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

145 Section 48. The sum of \$90,000 is appropriated from the
146 General Revenue Fund to the Department of Revenue for the purpose
147 of developing and implementing a public awareness campaign for
148 and administering sections 39 through 43 of this act.

149 Section 49. Effective July 1, 2008, the sum of \$50 million
150 is appropriated from the General Revenue Fund to the State
151 Transportation Trust Fund.

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

154 And the title is amended as follows:

155
156 On line 2341, after the semicolon,
157 insert:
158 providing a short title; providing for a reduction in the
159 motor fuel tax for 2 weeks; providing dealer requirements;
160 providing legislative intent; providing for a reduction in
161 certain refunds for the same period; authorizing the
162 executive director of the Department of Revenue to adopt
163 emergency rules for certain purposes; making unlawful
164 certain activities of certain entities relating to the tax
165 reduction; providing criminal penalties; amending s.



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