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CHAMBER ACTION

Senate

House

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Floor: WD/2R
4/29/2008 10:19 AM

1 Senator Fasano moved the following amendment:

3 Senate Amendment (with title amendment)

4 Between line(s) 3381 and 3382,
5 insert:

6 Section 70. Sections 39 through 42 of this act may be cited
7 as the "Florida Motor Fuel Tax Relief Act of 2008."

8 Section 71. 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 72. It is the intent of the Legislature that the
16 tax reduction set forth in this act be passed on to the ultimate



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

19 Section 73. Refunds authorized under s. 206.41(4), Florida  
20 Statutes, for fuel purchased during the period described in  
21 section 39 shall be reduced by the amount of the tax reduction  
22 set forth in that section.

23 Section 74. 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 this  
26 act. Notwithstanding any other law, the emergency rules shall  
27 remain effective for 6 months after the date of adoption of the  
28 rules.

29 Section 75. 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 39  
34 through 42 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 76. 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:

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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;

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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 77. 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.

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



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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 80. 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 39 through 43 of this act.

148       Section 81. 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(s) 301, after the semicolon,  
 155 insert:

156       providing a short title; providing for a reduction in the  
 157 motor fuel tax for 2 weeks; providing dealer requirements;  
 158 providing legislative intent; providing for a reduction in  
 159 certain refunds for the same period; authorizing the  
 160 executive director of the Department of Revenue to adopt  
 161 emergency rules for certain purposes; making unlawful  
 162 certain activities of certain entities relating to the tax  
 163 reduction; providing criminal penalties; amending s.  
 164 16.56, F.S.; including offenses specified in this act

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