

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Trujillo offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 579 and 580, insert:

5 Section 20. Subsection (10) of section 526.303, Florida
6 Statutes, is amended to read:

7 526.303 Definitions.—As used in this act:

8 (10) "Refiner" means any person engaged in the refining of
9 crude oil to produce motor fuel and includes any affiliate of
10 such person ~~who stores or exchanges motor fuel at a terminal~~
11 ~~facility in this state and who sells or transfers motor fuel~~
12 ~~through the loading rack at such terminal facility, and includes~~
13 ~~an affiliate of such refiner with respect to such affiliate's~~
14 ~~sale of motor fuel.~~

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15 Section 21. Section 526.304, Florida Statutes, is amended
16 to read:

17 526.304 Predatory practices unlawful; exceptions.—

18 (1)(a) It is unlawful for any refiner engaged in commerce
19 in this state to sell any grade or quality of motor fuel at a
20 retail outlet below refiner cost, where the effect is to injure
21 competition.

22 (b) It is unlawful for any nonrefiner engaged in commerce
23 in this state to sell any grade or quality of motor fuel at a
24 retail outlet below nonrefiner cost, where the effect is to
25 injure competition.

26 (2)(a) An isolated, inadvertent incident involving
27 activity prohibited pursuant to subsection (1) or subsection (3)
28 shall not be a violation of this act.

29 (b) A refiner's sale below refiner cost or a nonrefiner's
30 sale below nonrefiner cost made in good faith to meet an equally
31 low retail price of a competitor selling motor fuel of like
32 grade in the same relevant geographic market which can be used
33 in the same motor vehicle, or of the same or similar items in
34 combination with motor fuel of like grade which can be used in
35 the same motor vehicle, is not a violation of this act.

36 (3) Notwithstanding any other provision of law to the
37 contrary, it is unlawful for a refiner, including any affiliate
38 or agent thereof, to sell any grade of motor fuel at a retail
39 outlet at a price that is below the price charged by that
40 refiner to any wholesaler or dealer under written contract for

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41 the like grade and quality of motor fuel, to the extent that the
42 wholesaler or dealer resells in the relevant geographic market
43 where the refiner's retail price is in effect.

44 (4) A wholesaler or dealer may terminate, without cause
45 and upon 30 days' written notice, a franchise relationship with
46 a refiner who, including through an affiliate or agent, after
47 the inception of the franchise relationship, began the sale of
48 motor fuel at any retail outlet in the same county in which the
49 wholesaler or dealer resells. Termination of the franchise
50 relationship shall also result in, without limitation,
51 termination of any restrictions on the wholesaler's or dealer's
52 motor fuel sales arising from the franchise relationship.

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55 **T I T L E A M E N D M E N T**

56 Remove line 80 and insert:

57 Orange County Expressway Authority; amending s. 526.303, F.S.;
58 revising the definition of the term "refiner" as used in the
59 Motor Fuel Marketing Practices Act; amending s. 526.304, F.S.;
60 authorizing a wholesaler or dealer to terminate a franchise
61 relationship under certain circumstances; providing for effect
62 of the termination on sales; providing an

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