

1 A bill to be entitled
 2 An act relating to motor fuels; amending s. 526.303,
 3 F.S.; revising the definition of the term "refiner";
 4 amending s. 526.304, F.S.; prohibiting a producer,
 5 refiner, or subsidiary after a specified time from
 6 operating certain retail outlets selling its petroleum
 7 products under certain circumstances; reenacting s.
 8 526.311(1), F.S., relating to enforcement, civil
 9 penalties, and injunctive relief; reenacting s.
 10 526.312(1), F.S., relating to enforcement, private
 11 actions, and injunctive relief; providing an effective
 12 date.

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

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 16 Section 1. Subsection (10) of section 526.303, Florida
 17 Statutes, is amended to read:

18 526.303 Definitions.—As used in this act:

19 (10) "Refiner" means any person engaged in the refining of
 20 crude oil to produce motor fuel and includes any affiliate of
 21 such person ~~who stores or exchanges motor fuel at a terminal~~
 22 ~~facility in this state and who sells or transfers motor fuel~~
 23 ~~through the loading rack at such terminal facility, and includes~~
 24 ~~an affiliate of such refiner with respect to such affiliate's~~
 25 ~~sale of motor fuel.~~

26 Section 2. Subsection (4) is added to section 526.304,

27 Florida Statutes, to read:

28 526.304 Predatory practices unlawful; exceptions.—

29 (4) After October 1, 2016, a producer, refiner, or a
30 subsidiary of any producer or refiner may not operate, using its
31 company personnel, a retail outlet selling its petroleum
32 products under its own brand or a secondary brand name.

33 Section 3. For the purpose of incorporating the amendment
34 made by this act to section 526.304, Florida Statutes, in a
35 reference thereto, subsection (1) of section 526.311, Florida
36 Statutes, is reenacted to read:

37 526.311 Enforcement; civil penalties; injunctive relief.—

38 (1) A person who knowingly violates this act shall be
39 subject to a civil penalty in the Class III category pursuant to
40 s. 570.971 for each violation. Each day that a violation of this
41 act occurs shall be considered a separate violation, but the
42 civil penalty may not exceed \$250,000. Such a person shall also
43 be liable for attorney fees and shall be subject to an action
44 for injunctive relief.

45 Section 4. For the purpose of incorporating the amendment
46 made by this act to section 526.304, Florida Statutes, in a
47 reference thereto, subsection (1) of section 526.312, Florida
48 Statutes, is reenacted to read:

49 526.312 Enforcement; private actions; injunctive relief.—

50 (1) Any person injured as a result of an act or practice
51 which violates this act may bring a civil action for appropriate
52 relief, including an action for a declaratory judgment,

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53 | injunctive relief, and actual damages.

54 | Section 5. This act shall take effect July 1, 2016.