

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative McClure offered the following:

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

6 Remove lines 260-334 and insert:

7 (2) (a) A person commits a felony of the third degree,
 8 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 9 if he or she willfully, knowingly, and without authorization:

10 1. Breaches a retail fuel dispenser or accesses any
 11 internal portion of a retail fuel dispenser; or

12 2. Possesses any device constructed for the purpose of
 13 fraudulently altering, manipulating, or interrupting the normal
 14 functioning of a retail fuel dispenser.

15 (b) A person commits a felony of the second degree,
 16 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,

Amendment No. 1

17 if he or she willfully, knowingly, and without authorization:

18 1. Physically tampers with, manipulates, removes,
19 replaces, or interrupts any mechanical or electronic component
20 located within the internal portion of a retail fuel dispenser;

21 or

22 2. Uses any form of electronic communication to
23 fraudulently alter, manipulate, or interrupt the normal
24 functioning of a retail fuel dispenser.

25 (c) A person commits a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
27 if he or she:

28 1. Obtains fuel as a result of violating paragraph (a) or
29 (b); or

30 2. Modifies a vehicle's factory installed fuel tank or
31 possesses any item used to hold fuel which was not fitted to a
32 vehicle or conveyance at the time of manufacture with the intent
33 to use such fuel tank or item to hold or transport fuel obtained
34 as a result of violating paragraph (a) or (b).

35 (3) Any person who aids, abets, or assists a person in
36 committing a violation of this section commits a felony of the
37 third degree, punishable as provided in s. 775.082, s. 775.083,
38 or s. 775.084.

39 (4) Any conveyances, vehicles, fuel tanks, and other
40 equipment used or intended to be used in a violation of this
41 section, and any fuel acquired in a violation of this section,

Amendment No. 1

42 is subject to seizure and forfeiture as provided by the Florida
43 Contraband Forfeiture Act.

44 (5) A law enforcement agency that seizes fuel under this
45 section must remove and reclaim, recycle, or dispose of all the
46 fuel as soon as practicable in a safe and proper manner.

47 (6) Upon conviction of a person arrested for a violation
48 of this section, the judge must issue an order adjudging and
49 declaring that all conveyances, vehicles, fuel tanks, and other
50 equipment used or intended to be used in a violation of this
51 section are forfeited and directing their destruction, with the
52 exception of the conveyance or vehicle.

53 (7) Any person convicted of a violation of this section is
54 responsible for both of the following:

55 (a) All reasonable costs incurred by the investigating law
56 enforcement agency, including, but not limited to, the costs for
57 the towing and storage of the conveyance or vehicle, the removal
58 and disposal of the fuel, and the storage and destruction of all
59 fuel tanks and other equipment described and used or intended to
60 be used in a violation of this section.

61 (b) Payment, to the party from whom it was fraudulently
62 obtained, for the retail value of any associated fuel at the
63 time of the underlying act.

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

Amendment No. 1

67 | Remove line 31 and insert:
68 | payments; reenacting ss.