

By Senator Sebesta

20-840-02

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A bill to be entitled  
An act relating to transportation of fuel;  
providing a criminal penalty for the unlawful  
transportation of motor or diesel fuel over  
public highways; providing a criminal penalty  
for the unlawful transportation of fraudulently  
obtained motor or diesel fuel; providing an  
effective date.

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

Section 1. (1) It is unlawful for any person to maintain, or possess any conveyance or vehicle that is equipped with fuel tanks, bladders, drums, or other containers that do not conform to 49 C.F.R. or have not been approved by the U.S. Department of Transportation for the purpose of hauling, transporting, or conveying motor or diesel fuel over the public highways. Any person who violates this subsection commits a felony of the third degree, punishable as provided in section 775.082, section 775.083 or section 775.084, Florida Statutes, and is subject to the revocation of driver's license privileges as provided in section 322.26, Florida Statutes.

(2) Any person who violates subsection (1) commits a felony of the second degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes, if he or she has attempted to or has fraudulently obtained motor or diesel fuel, by presenting a credit card or a credit card account number, in violation of sections 817.57-817.685, Florida Statutes, by using unauthorized access to any computer network, in violation of section 815.06, or by

1 using a skimmed, lost, or stolen payment access device,  
2 whether a credit card or contactless device.

3 (3) All conveyances or vehicles, fuel tanks, related  
4 fuel, and other equipment described in subsection (1) are  
5 subject to seizure and forfeiture, as provided by the Florida  
6 Contraband Forfeiture Act.

7 (4) The law enforcement agency that seized the motor  
8 or diesel fuel under this section shall remove and reclaim,  
9 recycle, or dispose of all associated motor or diesel fuel  
10 from illegal containers as soon as practical in a safe and  
11 proper manner.

12 (5) Upon conviction of the person arrested for the  
13 violation of any of the provisions of this section, the judge  
14 shall issue an order adjudging and declaring that all fuel  
15 tanks and other equipment used in violation of this section  
16 are forfeited and directing its destruction, with the  
17 exception of the conveyance or vehicle.

18 (6) Any person convicted under this section, is  
19 responsible for all reasonable costs incurred by the  
20 investigating law enforcement agency, including the towing and  
21 storage of the conveyance or vehicle, the removal and disposal  
22 of the motor or diesel fuel, and the storage and destruction  
23 of all fuel tanks and other equipment described and used in  
24 violation of subsection (1) and for payment for the fuel to  
25 the party from whom any associated motor or diesel fuel was  
26 fraudulently obtained.

27 Section 2. This act shall take effect July 1, 2002.  
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SENATE SUMMARY

Provides criminal penalties for the unlawful transportation of motor or diesel fuel over public highways.