

By the Committee on Transportation; and Senator Sebesta

306-1957-02

1                                   A bill to be entitled  
2           An act relating to transportation of fuel;  
3           providing a criminal penalty for the unlawful  
4           transportation of motor or diesel fuel over  
5           public highways; providing a criminal penalty  
6           for the unlawful transportation of fraudulently  
7           obtained motor or diesel fuel; providing an  
8           effective date.

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

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

24           (2) Any person who violates subsection (1) commits a  
25 felony of the third degree, punishable as provided in section  
26 775.082, section 775.083, or section 775.084, Florida  
27 Statutes, if he or she has attempted to or has fraudulently  
28 obtained motor or diesel fuel, by presenting a credit card or  
29 a credit card account number, in violation of sections  
30 817.57-817.685, Florida Statutes, by using unauthorized access  
31 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 (7) This act shall not apply to containers of 8  
28 gallons or less.

29 Section 2. This act shall take effect July 1, 2002.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 1524

The CS lowers the penalty from a felony of the second degree to a felony of the third degree for possessing any device for the transportation of motor or diesel fuel which does not conform to federal requirements, and purchasing or attempting to purchase fuel by using a fraudulent credit card, credit card account number, or by using unauthorized access to any computer network.

The CS further provides this act does not apply to containers of 8 gallons or less.