

Amendment No. 008 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation offered the following:

Amendment (with title amendment)

On page 53, of the bill between lines 8 and 9 insert,
Section 1. Section 316.80, Florida Statutes, is
created to read:

316.80 unlawful conveyance of fuel obtaining fuel
fraudulently.--

(1) It is unlawful for any person to maintain, or
possess any conveyance or vehicle which is equipped with, fuel
tanks, bladders, drums, or other containers, that do not
conform to 49 CFR 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 any of
the public highways. Any person who violates any provision of
the section is guilty of a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, and s.
775.084; and in addition, is subject to the revocation of
driver's license privileges as provided in s. 322.26.

(2) The person committing the offense of section (1)
shall be guilty of a felony of the second degree, punishable

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1 as provided in s. 775.082, s. 775.083, and s. 775.084 if he
2 has attempted to or has fraudulently obtained motor or diesel
3 fuel, by:

4 (a) presenting a credit card or a credit card account
5 number, in violation of s. 817.57 - 817.685,

6 (b) using unauthorized access to any computer network,
7 in violation of s. 815.06, or

8 (c) using a fraudulently scanned, or lost, or stolen
9 payment access device, whether credit card or contactless
10 device.

11 (3) All conveyances or vehicles, fuel tanks, related
12 fuel, and other equipment described in section (1) shall be
13 subject to seizure and forfeiture, as provided by the Florida
14 Contraband Forfeiture Act.

15 (4) The law enforcement agency that seized the motor
16 or diesel fuel, under this section, shall remove and reclaim,
17 recycle, or dispose of all associated motor or diesel fuel as
18 soon as practical in a safe and proper manner from illegal
19 containers.

20 (5) Upon conviction of the person arrested for the
21 violation of any of the provisions, the judge shall issue an
22 order adjudging and declaring that all fuel tanks and other
23 equipment used in violation of this section shall be
24 forfeited, and directing its destruction, with the exception
25 of the conveyance of vehicle.

26 (6) Any person convicted under this section, shall be
27 responsible for:

28 (a) all reasonable costs, incurred by the investigating
29 law enforcement agency, including the towing and storage of
30 the conveyance or vehicle, and the removal and disposal of the
31 motor or diesel fuel, and the storage and destruction of all

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1 fuel tanks and other equipment described and used in violation
 2 of section (1), and
 3 (b) payment for the fuel to the party from whom any
 4 associated motor or diesel fuel was fraudulently obtained.

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6 insert:

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 4, line 1, after the semicolon:

12
13 and insert:

14 creating s. 316.80, F.S.; establishing
 15 penalties for persons who transport motor fuel
 16 in unlawful containers; establishing penalties
 17 for use of stolen or illegal payment-access
 18 devices; providing for forfeiture; providing
 19 other penalties;

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