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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 259 - 333

and insert:

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

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

2. Possesses any device constructed for the purpose of



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11 fraudulently altering, manipulating, or interrupting the normal
12 functioning of a retail fuel dispenser.

13 (b) A person commits a felony of the second degree,
14 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
15 if he or she willfully, knowingly, and without authorization:

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

19 2. Uses any form of electronic communication to
20 fraudulently alter, manipulate, or interrupt the normal
21 functioning of a retail fuel dispenser.

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

25 1. Obtains fuel as a result of violating paragraph (a) or
26 paragraph (b); or

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

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

36 (4) Any conveyances, vehicles, fuel tanks, and other
37 equipment used or intended to be used in a violation of this
38 section, and any fuel acquired in a violation of this section,
39 are subject to seizure and forfeiture as provided by the Florida



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40 Contraband Forfeiture Act.

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

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

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

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

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

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete line 31

65 and insert:

66 payments; reenacting ss.