

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN                                   (Y/N)  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

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1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Tuck offered the following:

4

5 **Amendment**

6 Remove lines 2817-2907 and insert:

7 **Section 77. Subsection (2) of section 812.0151, Florida**

8 **Statutes, is amended to read:**

9 812.0151 Retail fuel theft.—

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

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

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15           2. Possesses any device constructed for the purpose of  
16 fraudulently altering, manipulating, or interrupting the normal  
17 functioning of a retail fuel dispenser.

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

21           1. Physically tampers with, manipulates, removes,  
22 replaces, or interrupts any mechanical or electronic component  
23 located on ~~within~~ the internal or external portion of a retail  
24 fuel dispenser; or

25           2. Uses any form of electronic communication to  
26 fraudulently alter, manipulate, or interrupt the normal  
27 functioning of a retail fuel dispenser.

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

31           1. Obtains fuel as a result of violating paragraph (a) or  
32 paragraph (b); ~~or~~

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

38           3. Possesses or uses any form of a payment instrument that  
39 can be used, alone or in conjunction with another access device,

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40 to authorize a fuel transaction or obtain fuel, including, but  
41 not limited to, a plastic payment card with a magnetic stripe or  
42 a chip encoded with account information or both, with the intent  
43 to defraud the fuel retailer, the authorized payment instrument  
44 financial account holder, or the banking institution that issued  
45 the payment instrument financial account.

46 **Section 78. Section 812.136, Florida Statutes, is created**  
47 **to read:**

48 812.136 Mail theft.—

49 (1) As used in this section, unless the context otherwise  
50 requires:

51 (a) "Mail" means any letter, postal card, parcel,  
52 envelope, package, bag, or any other sealed article addressed to  
53 another, along with its contents.

54 (b) "Mail depository" means a mail box, letter box, mail  
55 route, or mail receptacle of a postal service, an office of a  
56 postal service, or mail carrier of a postal service, or a  
57 vehicle of a postal service.

58 (c) "Postal service" means the United States Postal  
59 Service or its contractors, or any commercial courier that  
60 delivers mail.

61 (2) Any of the following acts constitutes mail theft:

62 (a) Removing mail from a mail depository or taking mail  
63 from a mail carrier of a postal service with the intent to  
64 commit a theft in violation of s. 812.014.

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65 (b) Obtaining custody of mail by fraud or deception with  
66 the intent to commit a theft in violation of s. 812.014.

67 (c) Selling, receiving, possessing, transferring, buying,  
68 or concealing mail obtained by acts described in paragraph (a)  
69 or paragraph (b) of this subsection, while knowing or having  
70 reason to know the mail was obtained illegally.

71 (3) Any of the following constitutes theft of or  
72 unauthorized reproduction of a mail depository key or lock:

73 (a) Theft or obtaining by false pretense any key or lock  
74 adopted by a postal service for a mail depository or other  
75 authorized receptacle for the deposit or delivery of mail.

76 (b) Knowingly and unlawfully making, forging, or  
77 counterfeiting any such key or possessing any such key or lock  
78 adopted by a postal service with the intent to unlawfully or  
79 improperly use, sell, or otherwise dispose of the key or lock,  
80 or to cause the key or lock to be unlawfully or improperly used,  
81 sold, or otherwise disposed.

82 (4) A person who commits a first violation of this section  
83 commits a misdemeanor of the first degree, punishable as  
84 provided in s. 775.082 or s. 775.083. A person who commits a  
85 second or subsequent violation of this section commits a felony  
86 of the third degree, punishable as provided in s. 775.082, s.  
87 775.083, or s. 775.084.