

Committee on Criminal Justice

CS/CS/CS/SB 912 — Fraudulent Activities Associated with Payment Systems

by Rules Committee; Fiscal Policy Committee; Criminal Justice Committee; and Senators Flores, Soto, Montford, and Evers

The bill addresses fraudulent activity occurring at fuel stations. The bill amends s. 316.80, F.S. (unlawful conveyance of fuel), and 921.0022, F.S. (the offense severity level ranking chart of the Criminal Punishment Code), to increase the penalty for unlawful conveyance of fuel from a Level 1 third degree felony to a Level 5 second degree felony.

The bill amends s. 316.80, F.S., to require each person who owns or manages a retail petroleum fuel measuring device (fuel pump) with a scanning device to affix or install a security measure on the fuel pump to restrict the unauthorized access of customer payment card information. Specified security measures include placing pressure-sensitive security tape over the panel opening that leads to the scanning device.

The Department of Agriculture and Consumer Services may prohibit the use of a fuel pump until a security measure is installed, replaced, or repaired. The department must provide written notice to the owner or manager of noncompliance and allow the owner or manager 5 days to come into compliance. If a repeat violation is found on the same fuel pump, the department may immediately take the fuel pump out of service.

The bill amends s. 817.611, F.S. (counterfeit credit cards), to revise the offense of trafficking in counterfeit credit cards and related documents to include possession and provide that this offense applies to trafficking in or possession of 5 such cards or documents.

Finally, the bill amends ss. 817.611 and 921.0022, F.S., to create tiered penalties for the revised offense of trafficking in or possession of counterfeit cards and related documents based upon the number of items involved. Specifically, the bill provides that trafficking in or possession of:

- 5-14 counterfeit cards or related documents is a Level 5 second degree felony;
- 15-49 counterfeit cards or related documents is a Level 7 second degree felony; and
- 50 or more counterfeit cards or related documents is a Level 8 first degree felony.

If approved by the Governor, these provisions take effect October 1, 2016.

Vote: Senate 39-0; House 111-1