

By Senator Brandes

24-00750-19

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1                                   A bill to be entitled  
2       An act relating to theft; amending s. 812.014, F.S.;  
3       increasing threshold amounts for certain theft  
4       offenses; revising the list of items the theft of  
5       which constitutes theft of the third degree; providing  
6       that the value of taken property is based on fair  
7       market value at the time of the taking; requiring the  
8       adjustment of certain monetary amounts by the Division  
9       of Law Revision based on certain required periodic  
10      calculations done by the Office of Economic and  
11      Demographic Research; amending s. 812.015, F.S.;  
12      defining the term "value"; increasing threshold  
13      amounts for a certain theft offense; revising the  
14      circumstances under which an offense of retail theft  
15      constitutes a felony of the second degree; requiring  
16      the adjustment of certain monetary amounts by the  
17      Division of Law Revision based on certain required  
18      periodic calculations done by the Office of Economic  
19      and Demographic Research; amending s. 921.0022, F.S.;  
20      conforming provisions to changes made by the act;  
21      conforming a cross-reference; reenacting ss.  
22      95.18(10), 373.6055(3)(c), 400.9935(3),  
23      409.910(17)(g), 489.126(4), 550.6305(10), 627.743(2),  
24      634.319(2), 634.421(2), 636.238(3), 642.038(2),  
25      705.102(4), 718.111(1)(d), 812.015(2), 812.0155(1) and  
26      (2), 812.14(4), (7), and (8), 893.138(3),  
27      932.701(2)(a), 943.051(3)(b), 985.11(1)(b), and  
28      985.557(1)(a) and (2)(c), F.S., relating to adverse  
29      possession without color of title; criminal history

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30 checks for certain water management district employees  
31 and others; clinic responsibilities; responsibility  
32 for payments on behalf of Medicaid-eligible persons  
33 when other parties are liable; moneys received by  
34 contractors; intertrack wagering; payment of third-  
35 party claims; diversion or appropriation of certain  
36 funds received by sales representatives; diversion or  
37 appropriation of certain funds received by sales  
38 representatives; penalties for certain violations;  
39 diversion or appropriation of certain funds received  
40 by sales representatives; reporting lost or abandoned  
41 property; condominium associations; retail and farm  
42 theft; suspension of driver license following an  
43 adjudication of guilt for theft; trespass and larceny  
44 with relation to utility fixtures and theft of utility  
45 services; local administrative action to abate drug-  
46 related, prostitution-related, or stolen-property-  
47 related public nuisances and criminal gang activity;  
48 the definition of the term "contraband article";  
49 fingerprinting of certain minors; fingerprinting and  
50 photographing of certain children; and discretionary  
51 and mandatory criteria for the direct filing of an  
52 information, respectively, to incorporate the  
53 amendment made to s. 812.014, F.S., in references  
54 thereto; reenacting s. 538.09(5), F.S., relating to  
55 the registration of a secondhand dealer, to  
56 incorporate the amendment made to s. 812.015, F.S., in  
57 a reference thereto; reenacting ss. 538.23(2) and  
58 812.0155(2), F.S., relating to secondary metals

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59           recycler violations and penalties and suspension of  
60           driver license following an adjudication of guilt for  
61           theft, respectively, to incorporate the amendments  
62           made to ss. 812.014 and 812.015, F.S., in references  
63           thereto; providing an effective date.  
64

65 Be It Enacted by the Legislature of the State of Florida:  
66

67           Section 1. Paragraphs (c), (d), and (e) of subsection (2)  
68           and subsection (3) of section 812.014, Florida Statutes, are  
69           amended, and subsections (7) and (8) are added to that section,  
70           to read:

71           812.014 Theft.—

72           (2)

73           (c) It is grand theft of the third degree and a felony of  
74           the third degree, punishable as provided in s. 775.082, s.  
75           775.083, or s. 775.084, if the property stolen is:

76           1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.

77           2. Valued at \$5,000 or more, but less than \$10,000.

78           3. Valued at \$10,000 or more, but less than \$20,000.

79           4. A will, codicil, or other testamentary instrument.

80           5. A firearm.

81           6. A motor vehicle, except as provided in paragraph (a).

82           7. Any commercially farmed animal, including any animal of  
83           the equine, avian, bovine, or swine class or other grazing  
84           animal; a bee colony of a registered beekeeper; and aquaculture  
85           species raised at a certified aquaculture facility. If the  
86           property stolen is a commercially farmed animal, including an  
87           animal of the equine, avian, bovine, or swine class or other

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88 grazing animal; a bee colony of a registered beekeeper; or an  
89 aquaculture species raised at a certified aquaculture facility,  
90 a \$10,000 fine shall be imposed.

91 ~~8. Any fire extinguisher.~~

92 8.9. Any amount of citrus fruit consisting of 2,000 or more  
93 individual pieces of fruit.

94 9.10. Taken from a designated construction site identified  
95 by the posting of a sign as provided for in s. 810.09(2)(d).

96 10.11. Any stop sign.

97 11.12. Anhydrous ammonia.

98 12.13. Any amount of a controlled substance as defined in  
99 s. 893.02. Notwithstanding any other law, separate judgments and  
100 sentences for theft of a controlled substance under this  
101 subparagraph and for any applicable possession of controlled  
102 substance offense under s. 893.13 or trafficking in controlled  
103 substance offense under s. 893.135 may be imposed when all such  
104 offenses involve the same amount or amounts of a controlled  
105 substance.

106  
107 However, if the property is stolen within a county that is  
108 subject to a state of emergency declared by the Governor under  
109 chapter 252, the property is stolen after the declaration of  
110 emergency is made, and the perpetration of the theft is  
111 facilitated by conditions arising from the emergency, the  
112 offender commits a felony of the second degree, punishable as  
113 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
114 property is valued at \$5,000 or more, but less than \$10,000, as  
115 provided under subparagraph 2., or if the property is valued at  
116 \$10,000 or more, but less than \$20,000, as provided under

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117 subparagraph 3. As used in this paragraph, the term "conditions  
118 arising from the emergency" means civil unrest, power outages,  
119 curfews, voluntary or mandatory evacuations, or a reduction in  
120 the presence of or the response time for first responders or  
121 homeland security personnel. For purposes of sentencing under  
122 chapter 921, a felony offense that is reclassified under this  
123 paragraph is ranked one level above the ranking under s.  
124 921.0022 or s. 921.0023 of the offense committed.

125 (d) It is grand theft of the third degree and a felony of  
126 the third degree, punishable as provided in s. 775.082, s.  
127 775.083, or s. 775.084, if the property stolen is valued at  
128 \$1,500 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken  
129 from a dwelling as defined in s. 810.011(2) or from the  
130 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

131 (e) Except as provided in paragraph (d), if the property  
132 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,500  
133 ~~\$300~~, the offender commits petit theft of the first degree,  
134 punishable as a misdemeanor of the first degree, as provided in  
135 s. 775.082 or s. 775.083.

136 (3) (a) Theft of any property not specified in subsection  
137 (2) is petit theft of the second degree and a misdemeanor of the  
138 second degree, punishable as provided in s. 775.082 or s.  
139 775.083, and as provided in subsection (5), as applicable.

140 (b) A person who commits petit theft and who has previously  
141 been convicted of any theft commits a misdemeanor of the first  
142 degree, punishable as provided in s. 775.082 or s. 775.083.

143 (c) A person who commits petit theft in the first degree  
144 and who has previously been convicted two or more times as an  
145 adult of any theft commits a felony of the third degree,

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146 punishable as provided in s. 775.082 or s. 775.083 if the third  
147 or subsequent petit theft offense occurred within 3 years after  
148 the expiration of his or her sentence for the most recent theft  
149 conviction.

150 (7) For purposes of determining the value of property taken  
151 in violation of this section, the value must be based on the  
152 fair market value of the property at the time the taking  
153 occurred.

154 (8) The threshold amounts for offenses specified in this  
155 section must be adjusted every 5 years in an amount equal to the  
156 total of the annual increases for that 5-year period in the  
157 Consumer Price Index for All Urban Consumers, U.S. City Average,  
158 All Items. The Office of Economic and Demographic Research shall  
159 calculate the thresholds, rounded to the nearest \$50, and  
160 publish the amounts, as adjusted, on its website by July 1 of  
161 every fifth year, with the amounts to take effect on October 1  
162 of that year. The office shall certify the revised amounts to  
163 the Division of Law Revision, which is directed to conform the  
164 statutes to the revised amounts.

165 Section 2. Paragraph (n) of subsection (1) and subsection  
166 (10) are added to section 812.015, Florida Statutes, and  
167 subsections (8) and (9) of that section are amended, to read:

168 812.015 Retail and farm theft; transit fare evasion;  
169 mandatory fine; alternative punishment; detention and arrest;  
170 exemption from liability for false arrest; resisting arrest;  
171 penalties.—

172 (1) As used in this section:

173 (n) "Value" means the fair market value of the property  
174 taken in violation of this section at the time the taking

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175 occurred.

176 (8) Except as provided in subsection (9), a person who  
177 commits retail theft commits a felony of the third degree,  
178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
179 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the  
180 person:

181 (a) Individually, or in concert with one or more other  
182 persons, coordinates the activities of one or more individuals  
183 in committing the offense, in which case the amount of each  
184 individual theft is aggregated to determine the value of the  
185 property stolen;

186 (b) Commits theft from more than one location within a 48-  
187 hour period, in which case the amount of each individual theft  
188 is aggregated to determine the value of the property stolen;

189 (c) Acts in concert with one or more other individuals  
190 within one or more establishments to distract the merchant,  
191 merchant's employee, or law enforcement officer in order to  
192 carry out the offense, or acts in other ways to coordinate  
193 efforts to carry out the offense; or

194 (d) Commits the offense through the purchase of merchandise  
195 in a package or box that contains merchandise other than, or in  
196 addition to, the merchandise purported to be contained in the  
197 package or box.

198 (9) A person commits a felony of the second degree,  
199 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
200 if the person:

201 (a) Violates subsection (8) as an adult and has previously  
202 been convicted of a violation of subsection (8) within 3 years  
203 after the expiration of his or her sentence for the conviction;

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204 or

205 (b) Individually, or in concert with one or more other  
 206 persons, coordinates the activities of one or more persons in  
 207 committing the offense of retail theft where the stolen property  
 208 has a value in excess of \$3,000.

209 (10) The threshold amounts for offenses specified in this  
 210 section must be adjusted every 5 years in an amount equal to the  
 211 total of the annual increases for that 5-year period in the  
 212 Consumer Price Index for All Urban Consumers, U.S. City Average,  
 213 All Items. The Office of Economic and Demographic Research shall  
 214 calculate the thresholds, rounded to the nearest \$50, and  
 215 publish the amounts, as adjusted, on its website by July 1 of  
 216 every fifth year, with the amounts to take effect on October 1  
 217 of that year. The office shall certify the revised amounts to  
 218 the Division of Law Revision, which is directed to conform the  
 219 statutes to the revised amounts.

220 Section 3. Paragraphs (a), (b), (d), (e), and (f) of  
 221 subsection (3) of section 921.0022, Florida Statutes, are  
 222 amended to read:

223 921.0022 Criminal Punishment Code; offense severity ranking  
 224 chart.—

225 (3) OFFENSE SEVERITY RANKING CHART

226 (a) LEVEL 1

227

Florida	Felony	Description
Statute	Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.

228



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229

212.054 (2) (b) 3rd Discretionary sales surtax; limitations, administration, and collection.

230

212.15 (2) (b) 3rd Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.

231

316.1935 (1) 3rd Fleeing or attempting to elude law enforcement officer.

232

319.30 (5) 3rd Sell, exchange, give away certificate of title or identification number plate.

233

319.35 (1) (a) 3rd Tamper, adjust, change, etc., an odometer.

234

320.26 (1) (a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

235

322.212 (1) (a) - (c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of

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simulated identification.

236

322.212 (4)

3rd

Supply or aid in supplying unauthorized driver license or identification card.

237

322.212 (5) (a)

3rd

False application for driver license or identification card.

238

414.39 (3) (a)

3rd

Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

239

443.071 (1)

3rd

False statement or representation to obtain or increase reemployment assistance benefits.

240

509.151 (1)

3rd

Defraud an innkeeper, food or lodging value greater than \$300.

241

517.302 (1)

3rd

Violation of the Florida Securities and Investor Protection Act.

242

562.27 (1)

3rd

Possess still or still

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apparatus.

243

713.69

3rd

Tenant removes property upon which lien has accrued, value more than \$50.

244

812.014 (3) (c)

3rd

Petit theft (3rd or subsequent adult conviction within specified period); theft of any property not specified in subsection (2).

245

812.081 (2)

3rd

Unlawfully makes or causes to be made a reproduction of a trade secret.

246

815.04 (5) (a)

3rd

Offense against intellectual property (i.e., computer programs, data).

247

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

248

817.569 (2)

3rd

Use of public record or public records information or providing false information to facilitate commission of a felony.

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249  
250  
251  
252  
253  
254  
255  
256  
257

826.01	3rd	Bigamy.
828.122 (3)	3rd	Fighting or baiting animals.
831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.15 (2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a

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258			law enforcement officer.
	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
259			
	849.01	3rd	Keeping gambling house.
260			
	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
261			
	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
262			
	849.25 (2)	3rd	Engaging in bookmaking.
263			
	860.08	3rd	Interfere with a railroad signal.
264			
	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
265			
	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
266			

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267

893.13 (6) (a) 3rd Possession of cannabis (more than 20 grams).

268

934.03 (1) (a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

269

(b) LEVEL 2

270

Florida Statute	Felony Degree	Description
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271

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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272

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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273

403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial
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274

purposes, or hazardous waste.

517.07(2)

3rd

Failure to furnish a prospectus meeting requirements.

275

590.28(1)

3rd

Intentional burning of lands.

276

784.05(3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

277

787.04(1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

278

806.13(1)(b)3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

279

810.061(2)

3rd

Impairing or impeding telephone or power to a

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dwelling; facilitating  
or furthering burglary.

280

810.09(2)(e)

3rd

Trespassing on posted  
commercial horticulture  
property.

281

812.014(2)(c)1.

3rd

Grand theft, 3rd degree;  
\$1,500 ~~\$300~~ or more but  
less than \$5,000.

282

812.014(2)(d)

3rd

Grand theft, 3rd degree;  
\$1,500 ~~\$100~~ or more but  
less than \$5,000 ~~\$300~~,  
taken from unenclosed  
curtilage of dwelling.

283

812.015(7)

3rd

Possession, use, or  
attempted use of an  
antishoplifting or  
inventory control device  
countermeasure.

284

817.234(1)(a)2.

3rd

False statement in  
support of insurance  
claim.

285

817.481(3)(a)

3rd

Obtain credit or  
purchase with false,



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expired, counterfeit,  
etc., credit card, value  
over \$300.

286

817.52 (3)

3rd

Failure to redeliver  
hired vehicle.

287

817.54

3rd

With intent to defraud,  
obtain mortgage note,  
etc., by false  
representation.

288

817.60 (5)

3rd

Dealing in credit cards  
of another.

289

817.60 (6) (a)

3rd

Forgery; purchase goods,  
services with false  
card.

290

817.61

3rd

Fraudulent use of credit  
cards over \$100 or more  
within 6 months.

291

826.04

3rd

Knowingly marries or has  
sexual intercourse with  
person to whom related.

292

831.01

3rd

Forgery.

293

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294	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
295	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
296	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
297	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
298	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
299	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
300	843.08	3rd	False personation.
	893.13 (2) (a) 2.	3rd	Purchase of any s.

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893.03(1)(c), (2)(c)1.,  
 (2)(c)2., (2)(c)3.,  
 (2)(c)6., (2)(c)7.,  
 (2)(c)8., (2)(c)9.,  
 (2)(c)10., (3), or (4)  
 drugs other than  
 cannabis.

301

893.147(2)

3rd

Manufacture or delivery  
 of drug paraphernalia.

302

303

(d) LEVEL 4

304

Florida  
 Statute

Felony  
 Degree

Description

305

316.1935(3)(a)

2nd

Driving at high speed or  
 with wanton disregard  
 for safety while fleeing  
 or attempting to elude  
 law enforcement officer  
 who is in a patrol  
 vehicle with siren and  
 lights activated.

306

499.0051(1)

3rd

Failure to maintain or  
 deliver transaction  
 history, transaction  
 information, or

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307			transaction statements.
	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
308	517.07 (1)	3rd	Failure to register securities.
309	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
310	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
311	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
312	784.075	3rd	Battery on detention or commitment facility staff.
313	784.078	3rd	Battery of facility

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employee by throwing,  
tossing, or expelling  
certain fluids or  
materials.

314

784.08 (2) (c)

3rd

Battery on a person 65  
years of age or older.

315

784.081 (3)

3rd

Battery on specified  
official or employee.

316

784.082 (3)

3rd

Battery by detained  
person on visitor or  
other detainee.

317

784.083 (3)

3rd

Battery on code  
inspector.

318

784.085

3rd

Battery of child by  
throwing, tossing,  
projecting, or expelling  
certain fluids or  
materials.

319

787.03 (1)

3rd

Interference with  
custody; wrongly takes  
minor from appointed  
guardian.

320

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787.04 (2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

321

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

322

787.07

3rd

Human smuggling.

323

790.115 (1)

3rd

Exhibiting firearm or weapon within 1,000 feet of a school.

324

790.115 (2) (b)

3rd

Possessing electric weapon or device, destructive device, or other weapon on school property.

325

790.115 (2) (c)

3rd

Possessing firearm on school property.

326

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327	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
328	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
329	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
330	810.06	3rd	Burglary; possession of tools.
331	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
332	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
	<u>812.014</u> <u>(2) (c) 4.-9.</u>	3rd	Grand theft, 3rd degree, a will, firearm, motor

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	<del>812.014</del>		vehicle, livestock, etc.
	<del>(2)(c)4.-10.</del>		
333	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
334	817.505(4)(a)	3rd	Patient brokering.
335	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
336	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
337	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
338	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
339	828.125(1)	2nd	Kill, maim, or cause



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great bodily harm or  
 permanent breeding  
 disability to any  
 registered horse or  
 cattle.

340

837.02 (1)

3rd

Perjury in official  
 proceedings.

341

837.021 (1)

3rd

Make contradictory  
 statements in official  
 proceedings.

342

838.022

3rd

Official misconduct.

343

839.13 (2) (a)

3rd

Falsifying records of an  
 individual in the care  
 and custody of a state  
 agency.

344

839.13 (2) (c)

3rd

Falsifying records of  
 the Department of  
 Children and Families.

345

843.021

3rd

Possession of a  
 concealed handcuff key  
 by a person in custody.

346

843.025

3rd

Deprive law enforcement,

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correctional, or  
 correctional probation  
 officer of means of  
 protection or  
 communication.

347

843.15 (1) (a)

3rd

Failure to appear while  
 on bail for felony (bond  
 estreature or bond  
 jumping).

348

847.0135 (5) (c)

3rd

Lewd or lascivious  
 exhibition using  
 computer; offender less  
 than 18 years.

349

874.05 (1) (a)

3rd

Encouraging or  
 recruiting another to  
 join a criminal gang.

350

893.13 (2) (a) 1.

2nd

Purchase of cocaine (or  
 other s. 893.03 (1) (a),  
 (b), or (d), (2) (a),  
 (2) (b), or (2) (c) 5.  
 drugs).

351

914.14 (2)

3rd

Witnesses accepting  
 bribes.

352

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353	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
354	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
355	918.12	3rd	Tampering with jurors.
356	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
357			
358	(e) LEVEL 5		
359			
360	Florida Statute	Felony Degree	Description
361	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
	316.1935 (4) (a)	2nd	Aggravated fleeing or

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eluding.

362

316.80 (2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

363

322.34 (6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

364

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

365

379.365 (2) (c) 1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap

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tags or certificates;  
 making, altering,  
 forging, counterfeiting,  
 or reproducing stone  
 crab trap tags;  
 possession of forged,  
 counterfeit, or  
 imitation stone crab  
 trap tags; and engaging  
 in the commercial  
 harvest of stone crabs  
 while license is  
 suspended or revoked.

366

379.367(4)

3rd

Willful molestation of a  
 commercial harvester's  
 spiny lobster trap,  
 line, or buoy.

367

379.407(5)(b)3.

3rd

Possession of 100 or  
 more undersized spiny  
 lobsters.

368

381.0041(11)(b)

3rd

Donate blood, plasma, or  
 organs knowing HIV  
 positive.

369

440.10(1)(g)

2nd

Failure to obtain  
 workers' compensation

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coverage.

370

440.105 (5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

371

440.381 (2)

2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

372

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

373

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

374

790.01 (2)

3rd

Carrying a concealed firearm.

375

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376	790.162	2nd	Threat to throw or discharge destructive device.
377	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
378	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
379	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
380	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
381	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
381	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.

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382

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

383

812.0145 (2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

384

812.015 (8) 3rd Retail theft; property stolen is valued at \$1,500 ~~\$300~~ or more and one or more specified acts.

385

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

386

812.131 (2) (b) 3rd Robbery by sudden snatching.

387

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

388

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.



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389

817.234 (11) (b)

2nd

Insurance fraud;  
property value \$20,000  
or more but less than  
\$100,000.

390

817.2341 (1),  
(2) (a) & (3) (a)

3rd

Filing false financial  
statements, making false  
entries of material fact  
or false statements  
regarding property  
values relating to the  
solvency of an insuring  
entity.

391

817.568 (2) (b)

2nd

Fraudulent use of  
personal identification  
information; value of  
benefit, services  
received, payment  
avoided, or amount of  
injury or fraud, \$5,000  
or more or use of  
personal identification  
information of 10 or  
more persons.

392

817.611 (2) (a)

2nd

Traffic in or possess 5  
to 14 counterfeit credit

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cards or related documents.

393

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

394

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

395

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

396

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

397

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	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
398	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
399	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
400	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
401	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
402	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a

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minor by electronic  
device or equipment.

403

874.05 (1) (b)

2nd

Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent  
offense.

404

874.05 (2) (a)

2nd

Encouraging or  
recruiting person under  
13 years of age to join  
a criminal gang.

405

893.13 (1) (a) 1.

2nd

Sell, manufacture, or  
deliver cocaine (or  
other s. 893.03(1) (a),  
(1) (b), (1) (d), (2) (a),  
(2) (b), or (2) (c) 5.  
drugs).

406

893.13 (1) (c) 2.

2nd

Sell, manufacture, or  
deliver cannabis (or  
other s. 893.03(1) (c),  
(2) (c) 1., (2) (c) 2.,  
(2) (c) 3., (2) (c) 6.,  
(2) (c) 7., (2) (c) 8.,  
(2) (c) 9., (2) (c) 10.,  
(3), or (4) drugs)

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within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

407

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

408

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

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409

893.13 (1) (f) 1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c)5. drugs) within 1,000 feet of public housing facility.

410

893.13 (4) (b)

2nd

Use or hire of minor; deliver to minor other controlled substance.

411

893.1351 (1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

412

(f) LEVEL 6

414

Florida  
Statute

Felony  
Degree

Description

415

316.027 (2) (b)

2nd

Leaving the scene of a crash involving serious bodily injury.

416

316.193 (2) (b)

3rd

Felony DUI, 4th or

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subsequent conviction.

417

400.9935 (4) (c)

2nd

Operating a clinic, or offering services requiring licensure, without a license.

418

499.0051 (2)

2nd

Knowing forgery of transaction history, transaction information, or transaction statement.

419

499.0051 (3)

2nd

Knowing purchase or receipt of prescription drug from unauthorized person.

420

499.0051 (4)

2nd

Knowing sale or transfer of prescription drug to unauthorized person.

421

775.0875 (1)

3rd

Taking firearm from law enforcement officer.

422

784.021 (1) (a)

3rd

Aggravated assault; deadly weapon without intent to kill.

423

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424	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
425	784.041	3rd	Felony battery; domestic battery by strangulation.
426	784.048 (3)	3rd	Aggravated stalking; credible threat.
427	784.048 (5)	3rd	Aggravated stalking of person under 16.
428	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
429	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
430	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
431	784.081 (2)	2nd	Aggravated assault on specified official or employee.



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432	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
433	784.083 (2)	2nd	Aggravated assault on code inspector.
434	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
435	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
436	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
436	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.

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437  
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441  
442

790.19

2nd

Shooting or throwing  
deadly missiles into  
dwellings, vessels, or  
vehicles.

794.011 (8) (a)

3rd

Solicitation of minor to  
participate in sexual  
activity by custodial  
adult.

794.05 (1)

2nd

Unlawful sexual activity  
with specified minor.

800.04 (5) (d)

3rd

Lewd or lascivious  
molestation; victim 12  
years of age or older  
but less than 16 years  
of age; offender less  
than 18 years.

800.04 (6) (b)

2nd

Lewd or lascivious  
conduct; offender 18  
years of age or older.

806.031 (2)

2nd

Arson resulting in great  
bodily harm to  
firefighter or any other  
person.

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449

810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$1,500</u> <del>\$300</del> or more; second or subsequent <u>adult conviction within specified period.</u>
812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.

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812.13 (2) (c)

2nd

Robbery, no firearm or other weapon (strong-arm robbery).

450

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

451

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

452

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

453

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

454

825.1025 (3)

3rd

Lewd or lascivious molestation of an elderly person or disabled adult.

455

825.103 (3) (c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

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456  
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463

827.03 (2) (c)	3rd	Abuse of a child.
827.03 (2) (d)	3rd	Neglect of a child.
827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of

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materials harmful to  
minors.

464

847.0135 (2)

3rd

Facilitates sexual  
conduct of or with a  
minor or the visual  
depiction of such  
conduct.

465

914.23

2nd

Retaliation against a  
witness, victim, or  
informant, with bodily  
injury.

466

944.35 (3) (a) 2.

3rd

Committing malicious  
battery upon or  
inflicting cruel or  
inhuman treatment on an  
inmate or offender on  
community supervision,  
resulting in great  
bodily harm.

467

944.40

2nd

Escapes.

468

944.46

3rd

Harboring, concealing,  
aiding escaped  
prisoners.

469

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944.47(1)(a)5.

2nd

Introduction of  
contraband (firearm,  
weapon, or explosive)  
into correctional  
facility.

470

951.22(1)

3rd

Intoxicating drug,  
firearm, or weapon  
introduced into county  
facility.

471

472 Section 4. For the purpose of incorporating the amendment  
473 made by this act to section 812.014, Florida Statutes, in a  
474 reference thereto, subsection (10) of section 95.18, Florida  
475 Statutes, is reenacted to read:

476 95.18 Real property actions; adverse possession without  
477 color of title.—

478 (10) A person who occupies or attempts to occupy a  
479 residential structure solely by claim of adverse possession  
480 under this section and offers the property for lease to another  
481 commits theft under s. 812.014.

482 Section 5. For the purpose of incorporating the amendment  
483 made by this act to section 812.014, Florida Statutes, in a  
484 reference thereto, paragraph (c) of subsection (3) of section  
485 373.6055, Florida Statutes, is reenacted to read:

486 373.6055 Criminal history checks for certain water  
487 management district employees and others.—

488 (3)

489 (c) In addition to other requirements for employment or

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490 access established by any water management district pursuant to  
491 its water management district's security plan for buildings,  
492 facilities, and structures, each water management district's  
493 security plan shall provide that:

494 1. Any person who has within the past 7 years been  
495 convicted, regardless of whether adjudication was withheld, for  
496 a forcible felony as defined in s. 776.08; an act of terrorism  
497 as defined in s. 775.30; planting of a hoax bomb as provided in  
498 s. 790.165; any violation involving the manufacture, possession,  
499 sale, delivery, display, use, or attempted or threatened use of  
500 a weapon of mass destruction or hoax weapon of mass destruction  
501 as provided in s. 790.166; dealing in stolen property; any  
502 violation of s. 893.135; any violation involving the sale,  
503 manufacturing, delivery, or possession with intent to sell,  
504 manufacture, or deliver a controlled substance; burglary;  
505 robbery; any felony violation of s. 812.014; any violation of s.  
506 790.07; any crime an element of which includes use or possession  
507 of a firearm; any conviction for any similar offenses under the  
508 laws of another jurisdiction; or conviction for conspiracy to  
509 commit any of the listed offenses may not be qualified for  
510 initial employment within or authorized regular access to  
511 buildings, facilities, or structures defined in the water  
512 management district's security plan as restricted access areas.

513 2. Any person who has at any time been convicted of any of  
514 the offenses listed in subparagraph 1. may not be qualified for  
515 initial employment within or authorized regular access to  
516 buildings, facilities, or structures defined in the water  
517 management district's security plan as restricted access areas  
518 unless, after release from incarceration and any supervision



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519 imposed as a sentence, the person remained free from a  
520 subsequent conviction, regardless of whether adjudication was  
521 withheld, for any of the listed offenses for a period of at  
522 least 7 years prior to the employment or access date under  
523 consideration.

524 Section 6. For the purpose of incorporating the amendment  
525 made by this act to section 812.014, Florida Statutes, in a  
526 reference thereto, subsection (3) of section 400.9935, Florida  
527 Statutes, is reenacted to read:

528 400.9935 Clinic responsibilities.—

529 (3) A charge or reimbursement claim made by or on behalf of  
530 a clinic that is required to be licensed under this part but  
531 that is not so licensed, or that is otherwise operating in  
532 violation of this part, regardless of whether a service is  
533 rendered or whether the charge or reimbursement claim is paid,  
534 is an unlawful charge and is noncompensable and unenforceable. A  
535 person who knowingly makes or causes to be made an unlawful  
536 charge commits theft within the meaning of and punishable as  
537 provided in s. 812.014.

538 Section 7. For the purpose of incorporating the amendment  
539 made by this act to section 812.014, Florida Statutes, in a  
540 reference thereto, paragraph (g) of subsection (17) of section  
541 409.910, Florida Statutes, is reenacted to read:

542 409.910 Responsibility for payments on behalf of Medicaid-  
543 eligible persons when other parties are liable.—

544 (17)

545 (g) The agency may investigate and request appropriate  
546 officers or agencies of the state to investigate suspected  
547 criminal violations or fraudulent activity related to third-

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548 party benefits, including, without limitation, ss. 414.39 and  
549 812.014. Such requests may be directed, without limitation, to  
550 the Medicaid Fraud Control Unit of the Office of the Attorney  
551 General or to any state attorney. Pursuant to s. 409.913, the  
552 Attorney General has primary responsibility to investigate and  
553 control Medicaid fraud.

554 Section 8. For the purpose of incorporating the amendment  
555 made by this act to section 812.014, Florida Statutes, in a  
556 reference thereto, subsection (4) of section 489.126, Florida  
557 Statutes, is reenacted to read:

558 489.126 Moneys received by contractors.—

559 (4) Any person who violates any provision of this section  
560 is guilty of theft and shall be prosecuted and punished under s.  
561 812.014.

562 Section 9. For the purpose of incorporating the amendment  
563 made by this act to section 812.014, Florida Statutes, in a  
564 reference thereto, subsection (10) of section 550.6305, Florida  
565 Statutes, is reenacted to read:

566 550.6305 Intertrack wagering; guest track payments;  
567 accounting rules.—

568 (10) All races or games conducted at a permitholder's  
569 facility, all broadcasts of such races or games, and all  
570 broadcast rights relating thereto are owned by the permitholder  
571 at whose facility such races or games are conducted and  
572 constitute the permitholder's property as defined in s.  
573 812.012(4). Transmission, reception of a transmission,  
574 exhibition, use, or other appropriation of such races or games,  
575 broadcasts of such races or games, or broadcast rights relating  
576 thereto without the written consent of the permitholder

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577 constitutes a theft of such property under s. 812.014; and in  
578 addition to the penal sanctions contained in s. 812.014, the  
579 permitholder has the right to avail itself of the civil remedies  
580 specified in ss. 772.104, 772.11, and 812.035 in addition to any  
581 other remedies available under applicable state or federal law.

582 Section 10. For the purpose of incorporating the amendment  
583 made by this act to section 812.014, Florida Statutes, in a  
584 reference thereto, subsection (2) of section 627.743, Florida  
585 Statutes, is reenacted to read:

586 627.743 Payment of third-party claims.—

587 (2) When making any payment on a third party claim for  
588 damage to an automobile for a partial loss, the insurer shall  
589 have printed on the loss estimate, if prepared by the insurer,  
590 the following: "Failure to use the insurance proceeds in  
591 accordance with the security agreement, if any, could be a  
592 violation of s. 812.014, Florida Statutes. If you have any  
593 questions, contact your lending institution." However, this  
594 subsection does not apply if the insurer does not prepare the  
595 loss estimate.

596 Section 11. For the purpose of incorporating the amendment  
597 made by this act to section 812.014, Florida Statutes, in a  
598 reference thereto, subsection (2) of section 634.319, Florida  
599 Statutes, is reenacted to read:

600 634.319 Reporting and accounting for funds.—

601 (2) Any sales representative who, not being entitled  
602 thereto, diverts or appropriates such funds or any portion  
603 thereof to her or his own use is, upon conviction, guilty of  
604 theft, punishable as provided in s. 812.014.

605 Section 12. For the purpose of incorporating the amendment

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606 made by this act to section 812.014, Florida Statutes, in a  
607 reference thereto, subsection (2) of section 634.421, Florida  
608 Statutes, is reenacted to read:

609 634.421 Reporting and accounting for funds.—

610 (2) Any sales representative who, not being entitled  
611 thereto, diverts or appropriates funds or any portion thereof to  
612 her or his own use commits theft as provided in s. 812.014.

613 Section 13. For the purpose of incorporating the amendment  
614 made by this act to section 812.014, Florida Statutes, in a  
615 reference thereto, subsection (3) of section 636.238, Florida  
616 Statutes, is reenacted to read:

617 636.238 Penalties for violation of this part.—

618 (3) A person who collects fees for purported membership in  
619 a discount plan but purposefully fails to provide the promised  
620 benefits commits a theft, punishable as provided in s. 812.014.

621 Section 14. For the purpose of incorporating the amendment  
622 made by this act to section 812.014, Florida Statutes, in a  
623 reference thereto, subsection (2) of section 642.038, Florida  
624 Statutes, is reenacted to read:

625 642.038 Reporting and accounting for funds.—

626 (2) Any sales representative who, not being entitled  
627 thereto, diverts or appropriates such funds or any portion  
628 thereof to his or her own use commits theft as provided in s.  
629 812.014.

630 Section 15. For the purpose of incorporating the amendment  
631 made by this act to section 812.014, Florida Statutes, in a  
632 reference thereto, subsection (4) of section 705.102, Florida  
633 Statutes, is reenacted to read:

634 705.102 Reporting lost or abandoned property.—

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635 (4) Any person who unlawfully appropriates such lost or  
636 abandoned property to his or her own use or refuses to deliver  
637 such property when required commits theft as defined in s.  
638 812.014, punishable as provided in s. 775.082, s. 775.083, or s.  
639 775.084.

640 Section 16. For the purpose of incorporating the amendment  
641 made by this act to section 812.014, Florida Statutes, in a  
642 reference thereto, paragraph (d) of subsection (1) of section  
643 718.111, Florida Statutes, is reenacted to read:

644 718.111 The association.—

645 (1) CORPORATE ENTITY.—

646 (d) As required by s. 617.0830, an officer, director, or  
647 agent shall discharge his or her duties in good faith, with the  
648 care an ordinarily prudent person in a like position would  
649 exercise under similar circumstances, and in a manner he or she  
650 reasonably believes to be in the interests of the association.  
651 An officer, director, or agent shall be liable for monetary  
652 damages as provided in s. 617.0834 if such officer, director, or  
653 agent breached or failed to perform his or her duties and the  
654 breach of, or failure to perform, his or her duties constitutes  
655 a violation of criminal law as provided in s. 617.0834;  
656 constitutes a transaction from which the officer or director  
657 derived an improper personal benefit, either directly or  
658 indirectly; or constitutes recklessness or an act or omission  
659 that was in bad faith, with malicious purpose, or in a manner  
660 exhibiting wanton and willful disregard of human rights, safety,  
661 or property. Forgery of a ballot envelope or voting certificate  
662 used in a condominium association election is punishable as  
663 provided in s. 831.01, the theft or embezzlement of funds of a

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664 condominium association is punishable as provided in s. 812.014,  
665 and the destruction of or the refusal to allow inspection or  
666 copying of an official record of a condominium association that  
667 is accessible to unit owners within the time periods required by  
668 general law in furtherance of any crime is punishable as  
669 tampering with physical evidence as provided in s. 918.13 or as  
670 obstruction of justice as provided in chapter 843. An officer or  
671 director charged by information or indictment with a crime  
672 referenced in this paragraph must be removed from office, and  
673 the vacancy shall be filled as provided in s. 718.112(2)(d)2.  
674 until the end of the officer's or director's period of  
675 suspension or the end of his or her term of office, whichever  
676 occurs first. If a criminal charge is pending against the  
677 officer or director, he or she may not be appointed or elected  
678 to a position as an officer or a director of any association and  
679 may not have access to the official records of any association,  
680 except pursuant to a court order. However, if the charges are  
681 resolved without a finding of guilt, the officer or director  
682 must be reinstated for the remainder of his or her term of  
683 office, if any.

684 Section 17. For the purpose of incorporating the amendment  
685 made by this act to section 812.014, Florida Statutes, in a  
686 reference thereto, subsection (2) of section 812.015, Florida  
687 Statutes, is reenacted to read:

688 812.015 Retail and farm theft; transit fare evasion;  
689 mandatory fine; alternative punishment; detention and arrest;  
690 exemption from liability for false arrest; resisting arrest;  
691 penalties.—

692 (2) Upon a second or subsequent conviction for petit theft

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693 from a merchant, farmer, or transit agency, the offender shall  
694 be punished as provided in s. 812.014(3), except that the court  
695 shall impose a fine of not less than \$50 or more than \$1,000.  
696 However, in lieu of such fine, the court may require the  
697 offender to perform public services designated by the court. In  
698 no event shall any such offender be required to perform fewer  
699 than the number of hours of public service necessary to satisfy  
700 the fine assessed by the court, as provided by this subsection,  
701 at the minimum wage prevailing in the state at the time of  
702 sentencing.

703 Section 18. For the purpose of incorporating the amendment  
704 made by this act to section 812.014, Florida Statutes, in  
705 references thereto, subsections (1) and (2) of section 812.0155,  
706 Florida Statutes, are reenacted to read:

707 812.0155 Suspension of driver license following an  
708 adjudication of guilt for theft.—

709 (1) Except as provided in subsections (2) and (3), the  
710 court may order the suspension of the driver license of each  
711 person adjudicated guilty of any misdemeanor violation of s.  
712 812.014 or s. 812.015, regardless of the value of the property  
713 stolen. Upon ordering the suspension of the driver license of  
714 the person adjudicated guilty, the court shall forward the  
715 driver license of the person adjudicated guilty to the  
716 Department of Highway Safety and Motor Vehicles in accordance  
717 with s. 322.25.

718 (a) The first suspension of a driver license under this  
719 subsection shall be for a period of up to 6 months.

720 (b) A second or subsequent suspension of a driver license  
721 under this subsection shall be for 1 year.

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722 (2) The court may revoke, suspend, or withhold issuance of  
723 a driver license of a person less than 18 years of age who  
724 violates s. 812.014 or s. 812.015 as an alternative to  
725 sentencing the person to:

726 (a) Probation as defined in s. 985.03 or commitment to the  
727 Department of Juvenile Justice, if the person is adjudicated  
728 delinquent for such violation and has not previously been  
729 convicted of or adjudicated delinquent for any criminal offense,  
730 regardless of whether adjudication was withheld.

731 (b) Probation as defined in s. 985.03, commitment to the  
732 Department of Juvenile Justice, probation as defined in chapter  
733 948, community control, or incarceration, if the person is  
734 convicted as an adult of such violation and has not previously  
735 been convicted of or adjudicated delinquent for any criminal  
736 offense, regardless of whether adjudication was withheld.

737 Section 19. For the purpose of incorporating the amendment  
738 made by this act to section 812.014, Florida Statutes, in  
739 references thereto, subsections (4), (7), and (8) of section  
740 812.14, Florida Statutes, are reenacted to read:

741 812.14 Trespass and larceny with relation to utility  
742 fixtures; theft of utility services.—

743 (4) A person who willfully violates subsection (2) commits  
744 theft, punishable as provided in s. 812.014.

745 (7) An owner, lessor, or sublessor who willfully violates  
746 subsection (5) commits a misdemeanor of the first degree,  
747 punishable as provided in s. 775.082 or s. 775.083. Prosecution  
748 for a violation of subsection (5) does not preclude prosecution  
749 for theft pursuant to subsection (8) or s. 812.014.

750 (8) Theft of utility services for the purpose of



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751 facilitating the manufacture of a controlled substance is theft,  
752 punishable as provided in s. 812.014.

753 Section 20. For the purpose of incorporating the amendment  
754 made by this act to section 812.014, Florida Statutes, in a  
755 reference thereto, subsection (3) of section 893.138, Florida  
756 Statutes, is reenacted to read:

757 893.138 Local administrative action to abate drug-related,  
758 prostitution-related, or stolen-property-related public  
759 nuisances and criminal gang activity.—

760 (3) Any pain-management clinic, as described in s. 458.3265  
761 or s. 459.0137, which has been used on more than two occasions  
762 within a 6-month period as the site of a violation of:

763 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
764 relating to assault and battery;

765 (b) Section 810.02, relating to burglary;

766 (c) Section 812.014, relating to theft;

767 (d) Section 812.131, relating to robbery by sudden  
768 snatching; or

769 (e) Section 893.13, relating to the unlawful distribution  
770 of controlled substances,

771  
772 may be declared to be a public nuisance, and such nuisance may  
773 be abated pursuant to the procedures provided in this section.

774 Section 21. For the purpose of incorporating the amendment  
775 made by this act to section 812.014, Florida Statutes, in a  
776 reference thereto, paragraph (a) of subsection (2) of section  
777 932.701, Florida Statutes, is reenacted to read:

778 932.701 Short title; definitions.—

779 (2) As used in the Florida Contraband Forfeiture Act:

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780 (a) "Contraband article" means:

781 1. Any controlled substance as defined in chapter 893 or  
782 any substance, device, paraphernalia, or currency or other means  
783 of exchange that was used, was attempted to be used, or was  
784 intended to be used in violation of any provision of chapter  
785 893, if the totality of the facts presented by the state is  
786 clearly sufficient to meet the state's burden of establishing  
787 probable cause to believe that a nexus exists between the  
788 article seized and the narcotics activity, whether or not the  
789 use of the contraband article can be traced to a specific  
790 narcotics transaction.

791 2. Any gambling paraphernalia, lottery tickets, money,  
792 currency, or other means of exchange which was used, was  
793 attempted, or intended to be used in violation of the gambling  
794 laws of the state.

795 3. Any equipment, liquid or solid, which was being used, is  
796 being used, was attempted to be used, or intended to be used in  
797 violation of the beverage or tobacco laws of the state.

798 4. Any motor fuel upon which the motor fuel tax has not  
799 been paid as required by law.

800 5. Any personal property, including, but not limited to,  
801 any vessel, aircraft, item, object, tool, substance, device,  
802 weapon, machine, vehicle of any kind, money, securities, books,  
803 records, research, negotiable instruments, or currency, which  
804 was used or was attempted to be used as an instrumentality in  
805 the commission of, or in aiding or abetting in the commission  
806 of, any felony, whether or not comprising an element of the  
807 felony, or which is acquired by proceeds obtained as a result of  
808 a violation of the Florida Contraband Forfeiture Act.

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809           6. Any real property, including any right, title,  
810 leasehold, or other interest in the whole of any lot or tract of  
811 land, which was used, is being used, or was attempted to be used  
812 as an instrumentality in the commission of, or in aiding or  
813 abetting in the commission of, any felony, or which is acquired  
814 by proceeds obtained as a result of a violation of the Florida  
815 Contraband Forfeiture Act.

816           7. Any personal property, including, but not limited to,  
817 equipment, money, securities, books, records, research,  
818 negotiable instruments, currency, or any vessel, aircraft, item,  
819 object, tool, substance, device, weapon, machine, or vehicle of  
820 any kind in the possession of or belonging to any person who  
821 takes aquaculture products in violation of s. 812.014(2)(c).

822           8. Any motor vehicle offered for sale in violation of s.  
823 320.28.

824           9. Any motor vehicle used during the course of committing  
825 an offense in violation of s. 322.34(9)(a).

826           10. Any photograph, film, or other recorded image,  
827 including an image recorded on videotape, a compact disc,  
828 digital tape, or fixed disk, that is recorded in violation of s.  
829 810.145 and is possessed for the purpose of amusement,  
830 entertainment, sexual arousal, gratification, or profit, or for  
831 the purpose of degrading or abusing another person.

832           11. Any real property, including any right, title,  
833 leasehold, or other interest in the whole of any lot or tract of  
834 land, which is acquired by proceeds obtained as a result of  
835 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
836 property, including, but not limited to, equipment, money,  
837 securities, books, records, research, negotiable instruments, or

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838 currency; or any vessel, aircraft, item, object, tool,  
839 substance, device, weapon, machine, or vehicle of any kind in  
840 the possession of or belonging to any person which is acquired  
841 by proceeds obtained as a result of Medicaid fraud under s.  
842 409.920 or s. 409.9201.

843 12. Any personal property, including, but not limited to,  
844 any vehicle, item, object, tool, device, weapon, machine, money,  
845 security, book, or record, that is used or attempted to be used  
846 as an instrumentality in the commission of, or in aiding and  
847 abetting in the commission of, a person's third or subsequent  
848 violation of s. 509.144, whether or not comprising an element of  
849 the offense.

850 Section 22. For the purpose of incorporating the amendment  
851 made by this act to section 812.014, Florida Statutes, in a  
852 reference thereto, paragraph (b) of subsection (3) of section  
853 943.051, Florida Statutes, is reenacted to read:

854 943.051 Criminal justice information; collection and  
855 storage; fingerprinting.—

856 (3)

857 (b) A minor who is charged with or found to have committed  
858 the following offenses shall be fingerprinted and the  
859 fingerprints shall be submitted electronically to the  
860 department, unless the minor is issued a civil citation pursuant  
861 to s. 985.12:

862 1. Assault, as defined in s. 784.011.

863 2. Battery, as defined in s. 784.03.

864 3. Carrying a concealed weapon, as defined in s. 790.01(1).

865 4. Unlawful use of destructive devices or bombs, as defined  
866 in s. 790.1615(1).

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- 867 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 868 6. Assault or battery on a law enforcement officer, a  
869 firefighter, or other specified officers, as defined in s.  
870 784.07(2)(a) and (b).
- 871 7. Open carrying of a weapon, as defined in s. 790.053.
- 872 8. Exposure of sexual organs, as defined in s. 800.03.
- 873 9. Unlawful possession of a firearm, as defined in s.  
874 790.22(5).
- 875 10. Petit theft, as defined in s. 812.014(3).
- 876 11. Cruelty to animals, as defined in s. 828.12(1).
- 877 12. Arson, as defined in s. 806.031(1).
- 878 13. Unlawful possession or discharge of a weapon or firearm  
879 at a school-sponsored event or on school property, as provided  
880 in s. 790.115.
- 881 Section 23. For the purpose of incorporating the amendment  
882 made by this act to section 812.014, Florida Statutes, in a  
883 reference thereto, paragraph (b) of subsection (1) of section  
884 985.11, Florida Statutes, is reenacted to read:
- 885 985.11 Fingerprinting and photographing.—
- 886 (1)
- 887 (b) Unless the child is issued a civil citation or is  
888 participating in a similar diversion program pursuant to s.  
889 985.12, a child who is charged with or found to have committed  
890 one of the following offenses shall be fingerprinted, and the  
891 fingerprints shall be submitted to the Department of Law  
892 Enforcement as provided in s. 943.051(3)(b):
- 893 1. Assault, as defined in s. 784.011.
- 894 2. Battery, as defined in s. 784.03.
- 895 3. Carrying a concealed weapon, as defined in s. 790.01(1).

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896 4. Unlawful use of destructive devices or bombs, as defined  
897 in s. 790.1615(1).

898 5. Neglect of a child, as defined in s. 827.03(1)(e).

899 6. Assault on a law enforcement officer, a firefighter, or  
900 other specified officers, as defined in s. 784.07(2)(a).

901 7. Open carrying of a weapon, as defined in s. 790.053.

902 8. Exposure of sexual organs, as defined in s. 800.03.

903 9. Unlawful possession of a firearm, as defined in s.  
904 790.22(5).

905 10. Petit theft, as defined in s. 812.014.

906 11. Cruelty to animals, as defined in s. 828.12(1).

907 12. Arson, resulting in bodily harm to a firefighter, as  
908 defined in s. 806.031(1).

909 13. Unlawful possession or discharge of a weapon or firearm  
910 at a school-sponsored event or on school property as defined in  
911 s. 790.115.

912

913 A law enforcement agency may fingerprint and photograph a child  
914 taken into custody upon probable cause that such child has  
915 committed any other violation of law, as the agency deems  
916 appropriate. Such fingerprint records and photographs shall be  
917 retained by the law enforcement agency in a separate file, and  
918 these records and all copies thereof must be marked "Juvenile  
919 Confidential." These records are not available for public  
920 disclosure and inspection under s. 119.07(1) except as provided  
921 in ss. 943.053 and 985.04(2), but shall be available to other  
922 law enforcement agencies, criminal justice agencies, state  
923 attorneys, the courts, the child, the parents or legal  
924 custodians of the child, their attorneys, and any other person

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925 authorized by the court to have access to such records. In  
926 addition, such records may be submitted to the Department of Law  
927 Enforcement for inclusion in the state criminal history records  
928 and used by criminal justice agencies for criminal justice  
929 purposes. These records may, in the discretion of the court, be  
930 open to inspection by anyone upon a showing of cause. The  
931 fingerprint and photograph records shall be produced in the  
932 court whenever directed by the court. Any photograph taken  
933 pursuant to this section may be shown by a law enforcement  
934 officer to any victim or witness of a crime for the purpose of  
935 identifying the person who committed such crime.

936 Section 24. For the purpose of incorporating the amendment  
937 made by this act to section 812.014, Florida Statutes, in  
938 references thereto, paragraph (a) of subsection (1) and  
939 paragraph (c) of subsection (2) of section 985.557, Florida  
940 Statutes, are reenacted to read:

941 985.557 Direct filing of an information; discretionary and  
942 mandatory criteria.—

943 (1) DISCRETIONARY DIRECT FILE.—

944 (a) With respect to any child who was 14 or 15 years of age  
945 at the time the alleged offense was committed, the state  
946 attorney may file an information when in the state attorney's  
947 judgment and discretion the public interest requires that adult  
948 sanctions be considered or imposed and when the offense charged  
949 is for the commission of, attempt to commit, or conspiracy to  
950 commit:

- 951 1. Arson;
- 952 2. Sexual battery;
- 953 3. Robbery;

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- 954 4. Kidnapping;
- 955 5. Aggravated child abuse;
- 956 6. Aggravated assault;
- 957 7. Aggravated stalking;
- 958 8. Murder;
- 959 9. Manslaughter;
- 960 10. Unlawful throwing, placing, or discharging of a  
961 destructive device or bomb;
- 962 11. Armed burglary in violation of s. 810.02(2)(b) or  
963 specified burglary of a dwelling or structure in violation of s.  
964 810.02(2)(c), or burglary with an assault or battery in  
965 violation of s. 810.02(2)(a);
- 966 12. Aggravated battery;
- 967 13. Any lewd or lascivious offense committed upon or in the  
968 presence of a person less than 16 years of age;
- 969 14. Carrying, displaying, using, threatening, or attempting  
970 to use a weapon or firearm during the commission of a felony;
- 971 15. Grand theft in violation of s. 812.014(2)(a);
- 972 16. Possessing or discharging any weapon or firearm on  
973 school property in violation of s. 790.115;
- 974 17. Home invasion robbery;
- 975 18. Carjacking; or
- 976 19. Grand theft of a motor vehicle in violation of s.  
977 812.014(2)(c)6. or grand theft of a motor vehicle valued at  
978 \$20,000 or more in violation of s. 812.014(2)(b) if the child  
979 has a previous adjudication for grand theft of a motor vehicle  
980 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
- 981 (2) MANDATORY DIRECT FILE.—
- 982 (c) The state attorney must file an information if a child,



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983 regardless of the child's age at the time the alleged offense  
984 was committed, is alleged to have committed an act that would be  
985 a violation of law if the child were an adult, that involves  
986 stealing a motor vehicle, including, but not limited to, a  
987 violation of s. 812.133, relating to carjacking, or s.  
988 812.014(2)(c)6., relating to grand theft of a motor vehicle, and  
989 while the child was in possession of the stolen motor vehicle  
990 the child caused serious bodily injury to or the death of a  
991 person who was not involved in the underlying offense. For  
992 purposes of this section, the driver and all willing passengers  
993 in the stolen motor vehicle at the time such serious bodily  
994 injury or death is inflicted shall also be subject to mandatory  
995 transfer to adult court. "Stolen motor vehicle," for the  
996 purposes of this section, means a motor vehicle that has been  
997 the subject of any criminal wrongful taking. For purposes of  
998 this section, "willing passengers" means all willing passengers  
999 who have participated in the underlying offense.

1000 Section 25. For the purpose of incorporating the amendment  
1001 made by this act to section 812.015, Florida Statutes, in a  
1002 reference thereto, subsection (5) of section 538.09, Florida  
1003 Statutes, is reenacted to read:

1004 538.09 Registration.—

1005 (5) In addition to the fine provided in subsection (4),  
1006 registration under this section may be denied or any  
1007 registration granted may be revoked, restricted, or suspended by  
1008 the department if the department determines that the applicant  
1009 or registrant:

1010 (a) Has violated any provision of this chapter or any rule  
1011 or order made pursuant to this chapter;

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1012 (b) Has made a material false statement in the application  
1013 for registration;

1014 (c) Has been guilty of a fraudulent act in connection with  
1015 any purchase or sale or has been or is engaged in or is about to  
1016 engage in any practice, purchase, or sale which is fraudulent or  
1017 in violation of the law;

1018 (d) Has made a misrepresentation or false statement to, or  
1019 concealed any essential or material fact from, any person in  
1020 making any purchase or sale;

1021 (e) Is making purchases or sales through any business  
1022 associate not registered in compliance with the provisions of  
1023 this chapter;

1024 (f) Has, within the preceding 10-year period for new  
1025 registrants who apply for registration on or after October 1,  
1026 2006, been convicted of, or has entered a plea of guilty or nolo  
1027 contendere to, or had adjudication withheld for, a crime against  
1028 the laws of this state or any other state or of the United  
1029 States which relates to registration as a secondhand dealer or  
1030 which involves theft, larceny, dealing in stolen property,  
1031 receiving stolen property, burglary, embezzlement, obtaining  
1032 property by false pretenses, possession of altered property, any  
1033 felony drug offense, any violation of s. 812.015, or any  
1034 fraudulent dealing;

1035 (g) Has had a final judgment entered against her or him in  
1036 a civil action upon grounds of fraud, embezzlement,  
1037 misrepresentation, or deceit; or

1038 (h) Has failed to pay any sales tax owed to the Department  
1039 of Revenue.

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1041 In the event the department determines to deny an application or  
1042 revoke a registration, it shall enter a final order with its  
1043 findings on the register of secondhand dealers and their  
1044 business associates, if any; and denial, suspension, or  
1045 revocation of the registration of a secondhand dealer shall also  
1046 deny, suspend, or revoke the registration of such secondhand  
1047 dealer's business associates.

1048 Section 26. For the purpose of incorporating the amendments  
1049 made by this act to sections 812.014 and 812.015, Florida  
1050 Statutes, in references thereto, subsection (2) of section  
1051 538.23, Florida Statutes, is reenacted to read:

1052 538.23 Violations and penalties.—

1053 (2) A secondary metals recycler is presumed to know upon  
1054 receipt of stolen regulated metals property in a purchase  
1055 transaction that the regulated metals property has been stolen  
1056 from another if the secondary metals recycler knowingly and  
1057 intentionally fails to maintain the information required in s.  
1058 538.19 and shall, upon conviction of a violation of s. 812.015,  
1059 be punished as provided in s. 812.014(2) or (3).

1060 Section 27. For the purpose of incorporating the amendments  
1061 made by this act to sections 812.014 and 812.015, Florida  
1062 Statutes, in references thereto, subsection (2) of section  
1063 812.0155, Florida Statutes, is reenacted to read:

1064 812.0155 Suspension of driver license following an  
1065 adjudication of guilt for theft.—

1066 (2) The court may revoke, suspend, or withhold issuance of  
1067 a driver license of a person less than 18 years of age who  
1068 violates s. 812.014 or s. 812.015 as an alternative to  
1069 sentencing the person to:

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1070 (a) Probation as defined in s. 985.03 or commitment to the  
1071 Department of Juvenile Justice, if the person is adjudicated  
1072 delinquent for such violation and has not previously been  
1073 convicted of or adjudicated delinquent for any criminal offense,  
1074 regardless of whether adjudication was withheld.

1075 (b) Probation as defined in s. 985.03, commitment to the  
1076 Department of Juvenile Justice, probation as defined in chapter  
1077 948, community control, or incarceration, if the person is  
1078 convicted as an adult of such violation and has not previously  
1079 been convicted of or adjudicated delinquent for any criminal  
1080 offense, regardless of whether adjudication was withheld.

1081 Section 28. This act shall take effect October 1, 2019.