

By the Committee on Appropriations

576-03017-19

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1 A bill to be entitled
2 An act relating to the justice system; creating s.
3 25.025, F.S.; authorizing certain Supreme Court
4 justices to have an appropriate facility in their
5 district of residence designated as their official
6 headquarters; providing that an official headquarters
7 may serve only as a justice's private chambers;
8 providing that such justices are eligible for a
9 certain subsistence allowance and reimbursement for
10 certain transportation expenses; requiring that such
11 allowance and reimbursement be made to the extent
12 appropriated funds are available, as determined by the
13 Chief Justice; requiring the Chief Justice to
14 coordinate with certain persons in designating
15 official headquarters; providing that a county is not
16 required to provide space for a justice in a county
17 courthouse; authorizing counties to enter into
18 agreements with the Supreme Court for the use of
19 county courthouse space; prohibiting the Supreme Court
20 from using state funds to lease space in specified
21 facilities to allow a justice to establish an official
22 headquarters; amending s. 26.031, F.S.; increasing the
23 number of circuit judges in certain judicial circuits;
24 creating s. 43.51, F.S.; requiring the Office of the
25 State Courts Administrator to provide an annual report
26 containing certain information to the Legislature;
27 defining the term "problem-solving court"; amending s.
28 394.47891, F.S.; requiring the chief judge of each
29 judicial circuit to establish a Military Veterans and

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30 Servicemembers Court Program; amending s. 812.014,
31 F.S.; increasing the threshold amount for certain
32 theft offenses; amending s. 812.015, F.S.; revising
33 the circumstances under which an offense of retail
34 theft constitutes a felony of the second or third
35 degree; authorizing the aggregation of retail thefts
36 that occur in more than one judicial circuit within a
37 90-day period into one total value and requiring
38 prosecution of such thefts by the Office of the
39 Statewide Prosecutor in accordance with s. 16.56,
40 F.S.; amending s. 812.019, F.S.; prohibiting specified
41 acts involving merchandise or a stored-value card
42 obtained from a fraudulent return; amending s.
43 921.0022, F.S.; revising the ranking of offenses on
44 the offense severity ranking chart of the Criminal
45 Punishment Code; reenacting ss. 95.18(10),
46 373.6055(3)(c), 400.9935(3), 409.910(17)(g),
47 489.126(4), 550.6305(10), 627.743(2), 634.319(2),
48 634.421(2), 636.238(3), 642.038(2), 705.102(4),
49 718.111(1)(d), 812.14(4), (7), and (8), and
50 985.11(1)(b), F.S., relating to adverse possession
51 without color of title, criminal history checks for
52 certain water management district employees and
53 others, clinic responsibilities, responsibility for
54 payments on behalf of Medicaid-eligible persons when
55 other parties are liable, moneys received by
56 contractors, intertrack wagering, payment of third-
57 party claims, diversion or appropriation of certain
58 funds received by sales representatives, diversion or

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59 appropriation of certain funds received by sales
60 representatives, penalties for certain violations,
61 diversion or appropriation of certain funds received
62 by sales representatives, reporting lost or abandoned
63 property, condominium associations, trespass and
64 larceny with relation to utility fixtures and theft of
65 utility services, and fingerprinting and photographing
66 of certain children, respectively, to incorporate the
67 amendment made to s. 812.014, F.S., in references
68 thereto; reenacting ss. 538.09(5)(f) and 538.23(2),
69 F.S., relating to registration with the Department of
70 Revenue and violations and penalties for secondary
71 metals recyclers, respectively, to incorporate the
72 amendment made to s. 812.015, F.S., in references
73 thereto; reenacting s. 1012.315(1)(bb), F.S., relating
74 to disqualification from employment, to incorporate
75 the amendments made to s. 812.019, F.S.; reenacting s.
76 812.0155(1) and (2), F.S., relating to suspension of
77 driver licenses, to incorporate the amendments made to
78 ss. 812.014 and 812.015, F.S., in references thereto;
79 reenacting s. 893.138(3), F.S., relating to pain-
80 management clinics, to incorporate the amendments made
81 to s. 812.014, F.S., in references thereto; providing
82 effective dates.

83

84 Be It Enacted by the Legislature of the State of Florida:

85

86 Section 1. Effective July 1, 2019, section 25.025, Florida
87 Statutes, is created to read:

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88 25.025 Headquarters.-

89 (1) (a) A Supreme Court justice who permanently resides
90 outside Leon County shall, if he or she so requests, have a
91 district court of appeal courthouse, a county courthouse, or
92 another appropriate facility in his or her district of residence
93 designated as his or her official headquarters pursuant to s.
94 112.061. This official headquarters may serve only as the
95 justice's private chambers.

96 (b) A justice for whom an official headquarters is
97 designated in his or her district of residence under this
98 subsection is eligible for subsistence at a rate to be
99 established by the Chief Justice for each day or partial day
100 that the justice is at the Supreme Court Building for the
101 conduct of the business of the court. In addition to the
102 subsistence allowance, a justice is eligible for reimbursement
103 for transportation expenses as provided in s. 112.061(7) for
104 travel between the justice's official headquarters and the
105 Supreme Court Building for the conduct of the business of the
106 court.

107 (c) Payment of subsistence and reimbursement for
108 transportation expenses relating to travel between a justice's
109 official headquarters and the Supreme Court Building must be
110 made to the extent that appropriated funds are available, as
111 determined by the Chief Justice.

112 (2) The Chief Justice shall coordinate with each affected
113 justice and other state and local officials as necessary to
114 implement paragraph (1) (a).

115 (3) (a) This section does not require a county to provide
116 space in a county courthouse for a justice. A county may enter

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117 into an agreement with the Supreme Court governing the use of
118 space in a county courthouse.

119 (b) The Supreme Court may not use state funds to lease
120 space in a district court of appeal courthouse, county
121 courthouse, or other facility to allow a justice to establish an
122 official headquarters pursuant to subsection (1).

123 Section 2. Subsections (9) and (12) of section 26.031,
124 Florida Statutes, are amended to read:

125 26.031 Judicial circuits; number of judges.—The number of
126 circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(9) Ninth.....	<u>44</u> 43
(12) Twelfth.....	<u>22</u> 21

131 Section 3. Section 43.51, Florida Statutes, is created to
132 read:

133 43.51 Problem-solving court reports.—

134 (1) The Office of the State Courts Administrator shall
135 provide an annual report to the President of the Senate and the
136 Speaker of the House of Representatives which details the number
137 of participants in each problem-solving court for each fiscal
138 year the court has been operating and the types of services
139 provided, identifies each source of funding for each court
140 during each fiscal year, and provides information on the
141 performance of each court based upon outcome measures
142 established by the courts.

143 (2) For purposes of this section, the term "problem-solving
144 court" includes, but is not limited to, a drug court pursuant to
145 s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a

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146 military veterans' and servicemembers' court pursuant to s.
147 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health
148 court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s.
149 948.08, or s. 948.16; or a delinquency pretrial intervention
150 court program pursuant to s. 985.345.

151 Section 4. Section 394.47891, Florida Statutes, is amended
152 to read:

153 394.47891 Military veterans and servicemembers court
154 programs.—The chief judge of each judicial circuit shall ~~may~~
155 establish a Military Veterans and Servicemembers Court Program
156 under which veterans, as defined in s. 1.01, including veterans
157 who were discharged or released under a general discharge, and
158 servicemembers, as defined in s. 250.01, who are charged or
159 convicted of a criminal offense and who suffer from a military-
160 related mental illness, traumatic brain injury, substance abuse
161 disorder, or psychological problem can be sentenced in
162 accordance with chapter 921 in a manner that appropriately
163 addresses the severity of the mental illness, traumatic brain
164 injury, substance abuse disorder, or psychological problem
165 through services tailored to the individual needs of the
166 participant. Entry into any Military Veterans and Servicemembers
167 Court Program must be based upon the sentencing court's
168 assessment of the defendant's criminal history, military
169 service, substance abuse treatment needs, mental health
170 treatment needs, amenability to the services of the program, the
171 recommendation of the state attorney and the victim, if any, and
172 the defendant's agreement to enter the program.

173 Section 5. Paragraphs (c), (d), and (e) of subsection (2)
174 of section 812.014, Florida Statutes, are amended to read:

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- 175 812.014 Theft.—
- 176 (2)
- 177 (c) It is grand theft of the third degree and a felony of
- 178 the third degree, punishable as provided in s. 775.082, s.
- 179 775.083, or s. 775.084, if the property stolen is:
- 180 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.
 - 181 2. Valued at \$5,000 or more, but less than \$10,000.
 - 182 3. Valued at \$10,000 or more, but less than \$20,000.
 - 183 4. A will, codicil, or other testamentary instrument.
 - 184 5. A firearm.
 - 185 6. A motor vehicle, except as provided in paragraph (a).
 - 186 7. Any commercially farmed animal, including any animal of
 - 187 the equine, avian, bovine, or swine class or other grazing
 - 188 animal; a bee colony of a registered beekeeper; and aquaculture
 - 189 species raised at a certified aquaculture facility. If the
 - 190 property stolen is a commercially farmed animal, including an
 - 191 animal of the equine, avian, bovine, or swine class or other
 - 192 grazing animal; a bee colony of a registered beekeeper; or an
 - 193 aquaculture species raised at a certified aquaculture facility,
 - 194 a \$10,000 fine shall be imposed.
 - 195 8. Any fire extinguisher.
 - 196 9. Any amount of citrus fruit consisting of 2,000 or more
 - 197 individual pieces of fruit.
 - 198 10. Taken from a designated construction site identified by
 - 199 the posting of a sign as provided for in s. 810.09(2)(d).
 - 200 11. Any stop sign.
 - 201 12. Anhydrous ammonia.
 - 202 13. Any amount of a controlled substance as defined in s.
 - 203 893.02. Notwithstanding any other law, separate judgments and

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204 sentences for theft of a controlled substance under this
205 subparagraph and for any applicable possession of controlled
206 substance offense under s. 893.13 or trafficking in controlled
207 substance offense under s. 893.135 may be imposed when all such
208 offenses involve the same amount or amounts of a controlled
209 substance.

210

211 However, if the property is stolen within a county that is
212 subject to a state of emergency declared by the Governor under
213 chapter 252, the property is stolen after the declaration of
214 emergency is made, and the perpetration of the theft is
215 facilitated by conditions arising from the emergency, the
216 offender commits a felony of the second degree, punishable as
217 provided in s. 775.082, s. 775.083, or s. 775.084, if the
218 property is valued at \$5,000 or more, but less than \$10,000, as
219 provided under subparagraph 2., or if the property is valued at
220 \$10,000 or more, but less than \$20,000, as provided under
221 subparagraph 3. As used in this paragraph, the term "conditions
222 arising from the emergency" means civil unrest, power outages,
223 curfews, voluntary or mandatory evacuations, or a reduction in
224 the presence of or the response time for first responders or
225 homeland security personnel. For purposes of sentencing under
226 chapter 921, a felony offense that is reclassified under this
227 paragraph is ranked one level above the ranking under s.
228 921.0022 or s. 921.0023 of the offense committed.

229 (d) It is grand theft of the third degree and a felony of
230 the third degree, punishable as provided in s. 775.082, s.
231 775.083, or s. 775.084, if the property stolen is valued at \$100
232 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling

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233 as defined in s. 810.011(2) or from the unenclosed curtilage of
234 a dwelling pursuant to s. 810.09(1).

235 (e) Except as provided in paragraph (d), if the property
236 stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the
237 offender commits petit theft of the first degree, punishable as
238 a misdemeanor of the first degree, as provided in s. 775.082 or
239 s. 775.083.

240 Section 6. Subsections (8) and (9) of section 812.015,
241 Florida Statutes, are amended, and subsection (10) is added to
242 that section, to read:

243 812.015 Retail and farm theft; transit fare evasion;
244 mandatory fine; alternative punishment; detention and arrest;
245 exemption from liability for false arrest; resisting arrest;
246 penalties.—

247 (8) Except as provided in subsection (9), a person who
248 commits retail theft commits a felony of the third degree,
249 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
250 if the property stolen is valued at \$750 ~~\$300~~ or more, and the
251 person:

252 (a) Individually commits retail theft, or in concert with
253 one or more other persons, coordinates the activities of one or
254 more individuals in committing the offense, which may occur
255 through multiple acts of retail theft, in which ~~case~~ the amount
256 of each individual theft is aggregated within a 90-day period to
257 determine the value of the property stolen;

258 (b) Conspires with another person to commit retail theft
259 with the intent to sell the stolen property for monetary or
260 other gain, and subsequently takes or causes such property to be
261 placed in the control of another person in exchange for

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262 consideration, in which the stolen property taken or placed
263 within a 90-day period is aggregated to determine the value of
264 the stolen property;

265 (c)~~(b)~~ Individually, or in concert with one or more other
266 persons, commits theft from more than one location within a 90-
267 day ~~48-hour~~ period, in which ~~each~~ the amount of each individual
268 theft is aggregated to determine the value of the property
269 stolen;

270 (d)~~(e)~~ Acts in concert with one or more other individuals
271 within one or more establishments to distract the merchant,
272 merchant's employee, or law enforcement officer in order to
273 carry out the offense, or acts in other ways to coordinate
274 efforts to carry out the offense; or

275 (e)~~(d)~~ Commits the offense through the purchase of
276 merchandise in a package or box that contains merchandise other
277 than, or in addition to, the merchandise purported to be
278 contained in the package or box.

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

282 (a) Violates subsection (8) and has previously been
283 convicted of a violation of subsection (8); ~~or~~

284 (b) Individually, or in concert with one or more other
285 persons, coordinates the activities of one or more persons in
286 committing the offense of retail theft, in which the amount of
287 each individual theft within a 90-day period is aggregated to
288 determine the value of the stolen property and such ~~where the~~
289 ~~stolen property has a value~~ is in excess of \$3,000; or

290 (c) Conspires with another person to commit retail theft

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291 with the intent to sell the stolen property for monetary or
 292 other gain, and subsequently takes or causes such property to be
 293 placed in control of another person in exchange for
 294 consideration, in which the stolen property taken or placed
 295 within a 90-day period is aggregated to have a value in excess
 296 of \$3,000.

297 (10) If a person commits retail theft in more than one
 298 judicial circuit within a 90-day period, the value of the stolen
 299 property resulting from the thefts in each judicial circuit may
 300 be aggregated and must be prosecuted by the Office of the
 301 Statewide Prosecutor in accordance with s. 16.56.

302 Section 7. Subsection (3) is added to section 812.019,
 303 Florida Statutes, to read:

304 812.019 Dealing in stolen property.—

305 (3) Any person who receives, possesses, or purchases any
 306 merchandise or stored-value card obtained from a fraudulent
 307 return with the knowledge that the merchandise or stored-value
 308 card was obtained in violation of s. 812.015 commits a felony of
 309 the third degree, punishable as provided in s. 775.082, s.
 310 775.083, or s. 775.084.

311 Section 8. Paragraphs (b), (c), (e), and (f) of subsection
 312 (3) of section 921.0022, Florida Statutes, are amended to read:

313 921.0022 Criminal Punishment Code; offense severity ranking
 314 chart.—

315 (3) OFFENSE SEVERITY RANKING CHART

316 (b) LEVEL 2

317

Florida	Felony	
Statute	Degree	Description

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reach of minor who uses
it to inflict injury or
death.

324

787.04 (1)

3rd

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

325

806.13 (1) (b) 3.

3rd

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

326

810.061 (2)

3rd

Impairing or impeding
telephone or power to a
dwelling; facilitating
or furthering burglary.

327

810.09 (2) (e)

3rd

Trespassing on posted
commercial horticulture
property.

328

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree;
\$750 ~~\$300~~ or more but
less than \$5,000.

329

812.014 (2) (d)

3rd

Grand theft, 3rd degree;

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\$100 or more but less than \$750 ~~\$300~~, taken from unenclosed curtilage of dwelling.

330

812.015 (7)

3rd

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

331

817.234 (1) (a) 2.

3rd

False statement in support of insurance claim.

332

817.481 (3) (a)

3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

333

817.52 (3)

3rd

Failure to redeliver hired vehicle.

334

817.54

3rd

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

335

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336	817.60 (5)	3rd	Dealing in credit cards of another.
337	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
338	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
339	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
340	831.01	3rd	Forgery.
341	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
342	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.

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831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	False personation.
893.13 (2) (a) 2.	3rd	Purchase of any 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 other than cannabis.
893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
(c) LEVEL 3		

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Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.

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358

319.33 (1) (c) 3rd Procure or pass title on
stolen vehicle.

359

319.33 (4) 3rd With intent to defraud,
possess, sell, etc., a
blank, forged, or
unlawfully obtained title
or registration.

360

327.35 (2) (b) 3rd Felony BUI.

361

328.05 (2) 3rd Possess, sell, or
counterfeit fictitious,
stolen, or fraudulent
titles or bills of sale of
vessels.

362

328.07 (4) 3rd Manufacture, exchange, or
possess vessel with
counterfeit or wrong ID
number.

363

376.302 (5) 3rd Fraud related to
reimbursement for cleanup
expenses under the Inland
Protection Trust Fund.

364

379.2431 3rd Taking, disturbing,

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(1) (e) 5.

mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

365

379.2431

3rd

(1) (e) 6.

Possessing any marine
turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

366

379.2431

3rd

(1) (e) 7.

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

367

400.9935 (4) (a)

3rd

or (b)

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

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369	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
370	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
371	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
372	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
373	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.

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697.08	3rd	Equity skimming.
790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

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	<u>812.015 (8) (b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; coordination with others.</u>
382	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
383	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
384	817.233	3rd	Burning to defraud insurer.
385	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
386	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
387	817.236	3rd	Filing a false motor vehicle insurance application.
388	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

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insurance card.

389

817.413 (2)

3rd

Sale of used goods as new.

390

831.28 (2) (a)

3rd

Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

391

831.29

2nd

Possession of instruments for counterfeiting driver licenses or identification cards.

392

838.021 (3) (b)

3rd

Threatens unlawful harm to public servant.

393

843.19

3rd

Injure, disable, or kill police dog or horse.

394

860.15 (3)

3rd

Overcharging for repairs and parts.

395

870.01 (2)

3rd

Riot; inciting or encouraging.

396

893.13 (1) (a) 2.

3rd

Sell, manufacture, or deliver cannabis (or other

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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).

397

893.13(1)(d)2.

2nd

Sell, manufacture, or
 deliver 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 within 1,000
 feet of university.

398

893.13(1)(f)2.

2nd

Sell, manufacture, or
 deliver 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 within 1,000
 feet of public housing
 facility.

399

893.13(4)(c)

3rd

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

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893.13 (6) (a) 3rd Possession of any controlled substance other than felony possession of cannabis.

401

893.13 (7) (a) 8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

402

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

403

893.13 (7) (a) 10. 3rd Affix false or forged label to package of controlled substance.

404

893.13 (7) (a) 11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

405

893.13 (8) (a) 1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a

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controlled substance
 through deceptive, untrue,
 or fraudulent
 representations in or
 related to the
 practitioner's practice.

406

893.13(8)(a)2.

3rd

Employ a trick or scheme in
 the practitioner's practice
 to assist a patient, other
 person, or owner of an
 animal in obtaining a
 controlled substance.

407

893.13(8)(a)3.

3rd

Knowingly write a
 prescription for a
 controlled substance for a
 fictitious person.

408

893.13(8)(a)4.

3rd

Write a prescription for a
 controlled substance for a
 patient, other person, or
 an animal if the sole
 purpose of writing the
 prescription is a monetary
 benefit for the
 practitioner.

409

918.13(1)(a)

3rd

Alter, destroy, or conceal

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investigation evidence.

410

944.47
(1) (a) 1. & 2.

3rd Introduce contraband to
correctional facility.

411

944.47 (1) (c)

2nd Possess contraband while
upon the grounds of a
correctional institution.

412

985.721

3rd Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

413

414 (e) LEVEL 5

415

Florida
Statute

Felony
Degree

Description

416

316.027 (2) (a)

3rd Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

417

316.1935 (4) (a)

2nd Aggravated fleeing or
eluding.

418

316.80 (2)

2nd Unlawful conveyance of

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fuel; obtaining fuel
fraudulently.

419

322.34(6)

3rd

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

420

327.30(5)

3rd

Vessel accidents
involving personal
injury; leaving scene.

421

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
tags or certificates;
making, altering,
forging, counterfeiting,

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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.

422

379.367 (4)

3rd

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

423

379.407 (5) (b) 3.

3rd

Possession of 100 or
 more undersized spiny
 lobsters.

424

381.0041 (11) (b)

3rd

Donate blood, plasma, or
 organs knowing HIV
 positive.

425

440.10 (1) (g)

2nd

Failure to obtain
 workers' compensation
 coverage.

426

440.105 (5)

2nd

Unlawful solicitation

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for the purpose of
making workers'
compensation claims.

427

440.381 (2)

2nd

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

428

624.401 (4) (b) 2.

2nd

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

429

626.902 (1) (c)

2nd

Representing an
unauthorized insurer;
repeat offender.

430

790.01 (2)

3rd

Carrying a concealed
firearm.

431

790.162

2nd

Threat to throw or
discharge destructive
device.

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432

790.163 (1) 2nd False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

433

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

434

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

435

796.05 (1) 2nd Live on earnings of a prostitute; 1st offense.

436

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

437

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years of age or older.

438

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with

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intent to damage any structure or property.

439

812.0145 (2) (b)

2nd

Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

440

812.015 (8) (a), (c), (d), & (e)

3rd

Retail theft; property stolen is valued at \$750 ~~\$300~~ or more and one or more specified acts.

441

812.019 (1)

2nd

Stolen property; dealing in or trafficking in.

442

812.019 (3)

3rd

Specified acts involving merchandise or a stored-value card obtained from a fraudulent return.

443

812.131 (2) (b)

3rd

Robbery by sudden snatching.

444

812.16 (2)

3rd

Owning, operating, or conducting a chop shop.

445

817.034 (4) (a) 2.

2nd

Communications fraud, value \$20,000 to

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\$50,000.

446

817.234 (11) (b)

2nd

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

447

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.

448

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.

449

817.611 (2) (a)

2nd

Traffic in or possess 5

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to 14 counterfeit credit
cards or related
documents.

450

817.625 (2) (b)

2nd

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

451

825.1025 (4)

3rd

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

452

827.071 (4)

2nd

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

453

827.071 (5)

3rd

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

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454

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

455

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.

456

843.01 3rd Resist officer with violence to person; resist arrest with violence.

457

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

458

847.0137 (2) & (3) 3rd Transmission of pornography by electronic device or equipment.

459

847.0138 3rd Transmission of material

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(2) & (3)

harmful to minors to a
minor by electronic
device or equipment.

460

874.05 (1) (b)

2nd

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

461

874.05 (2) (a)

2nd

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

462

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).

463

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.,

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(3), or (4) drugs)
 within 1,000 feet of a
 child care facility,
 school, or state,
 county, or municipal
 park or publicly owned
 recreational facility or
 community center.

464

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.

465

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

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site.

466

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.

467

893.13(4)(b)

2nd

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

468

893.1351(1)

3rd

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

469

470

(f) LEVEL 6

471

Florida

Felony

Statute

Degree

Description

472

316.027(2)(b)

2nd

Leaving the scene of a crash involving serious bodily injury.

473

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474	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
475	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
476	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
477	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
478	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
479	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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480

784.021 (1) (b) 3rd Aggravated assault;
intent to commit felony.

481

784.041 3rd Felony battery; domestic
battery by
strangulation.

482

784.048 (3) 3rd Aggravated stalking;
credible threat.

483

784.048 (5) 3rd Aggravated stalking of
person under 16.

484

784.07 (2) (c) 2nd Aggravated assault on
law enforcement officer.

485

784.074 (1) (b) 2nd Aggravated assault on
sexually violent
predators facility
staff.

486

784.08 (2) (b) 2nd Aggravated assault on a
person 65 years of age
or older.

487

784.081 (2) 2nd Aggravated assault on
specified official or
employee.

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488

784.082 (2) 2nd Aggravated assault by
detained person on
visitor or other
detainee.

489

784.083 (2) 2nd Aggravated assault on
code inspector.

490

787.02 (2) 3rd False imprisonment;
restraining with purpose
other than those in s.
787.01.

491

790.115 (2) (d) 2nd Discharging firearm or
weapon on school
property.

492

790.161 (2) 2nd Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

493

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

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manner.

494

790.19

2nd

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

495

794.011 (8) (a)

3rd

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

496

794.05 (1)

2nd

Unlawful sexual activity
with specified minor.

497

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.

498

800.04 (6) (b)

2nd

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

499

806.031 (2)

2nd

Arson resulting in great
bodily harm to
firefighter or any other

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person.

500

810.02 (3) (c)

2nd

Burglary of occupied structure; unarmed; no assault or battery.

501

810.145 (8) (b)

2nd

Video voyeurism; certain minor victims; 2nd or subsequent offense.

502

812.014 (2) (b) 1.

2nd

Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

503

812.014 (6)

2nd

Theft; property stolen \$3,000 or more; coordination of others.

504

812.015 (9) (a)

2nd

Retail theft; property stolen \$750 ~~\$300~~ or more; second or subsequent conviction.

505

812.015 (9) (b)

2nd

Retail theft; property stolen \$3,000 or more; coordination of others.

506

812.13 (2) (c)

2nd

Robbery, no firearm or

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other weapon (strong-arm robbery).

507
508
509
510
511
512
513

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

825.1025 (3)

3rd

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

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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514	827.03 (2) (c)	3rd	Abuse of a child.
515	827.03 (2) (d)	3rd	Neglect of a child.
516	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
517	836.05	2nd	Threats; extortion.
518	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
519	843.12	3rd	Aids or assists person to escape.
520	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 materials harmful to

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minors.

521

847.0135 (2)

3rd

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

522

914.23

2nd

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

523

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.

524

944.40

2nd

Escapes.

525

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

526

944.47 (1) (a) 5.

2nd

Introduction of

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

527

951.22 (1)

3rd

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

528

529

530 Section 9. For the purpose of incorporating the amendment
 531 made by this act to section 812.014, Florida Statutes, in a
 532 reference thereto, subsection (10) of section 95.18, Florida
 533 Statutes, is reenacted to read:

534 95.18 Real property actions; adverse possession without
 535 color of title.—

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

540 Section 10. For the purpose of incorporating the amendment
 541 made by this act to section 812.014, Florida Statutes, in a
 542 reference thereto, paragraph (c) of subsection (3) of section
 543 373.6055, Florida Statutes, is reenacted to read:

544 373.6055 Criminal history checks for certain water
 545 management district employees and others.—

546 (3)

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

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548 access established by any water management district pursuant to
549 its water management district's security plan for buildings,
550 facilities, and structures, each water management district's
551 security plan shall provide that:

552 1. Any person who has within the past 7 years been
553 convicted, regardless of whether adjudication was withheld, for
554 a forcible felony as defined in s. 776.08; an act of terrorism
555 as defined in s. 775.30; planting of a hoax bomb as provided in
556 s. 790.165; any violation involving the manufacture, possession,
557 sale, delivery, display, use, or attempted or threatened use of
558 a weapon of mass destruction or hoax weapon of mass destruction
559 as provided in s. 790.166; dealing in stolen property; any
560 violation of s. 893.135; any violation involving the sale,
561 manufacturing, delivery, or possession with intent to sell,
562 manufacture, or deliver a controlled substance; burglary;
563 robbery; any felony violation of s. 812.014; any violation of s.
564 790.07; any crime an element of which includes use or possession
565 of a firearm; any conviction for any similar offenses under the
566 laws of another jurisdiction; or conviction for conspiracy to
567 commit any of the listed offenses may not be qualified for
568 initial employment within or authorized regular access to
569 buildings, facilities, or structures defined in the water
570 management district's security plan as restricted access areas.

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

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577 imposed as a sentence, the person remained free from a
578 subsequent conviction, regardless of whether adjudication was
579 withheld, for any of the listed offenses for a period of at
580 least 7 years prior to the employment or access date under
581 consideration.

582 Section 11. For the purpose of incorporating the amendment
583 made by this act to section 812.014, Florida Statutes, in a
584 reference thereto, subsection (3) of section 400.9935, Florida
585 Statutes, is reenacted to read:

586 400.9935 Clinic responsibilities.—

587 (3) A charge or reimbursement claim made by or on behalf of
588 a clinic that is required to be licensed under this part but
589 that is not so licensed, or that is otherwise operating in
590 violation of this part, regardless of whether a service is
591 rendered or whether the charge or reimbursement claim is paid,
592 is an unlawful charge and is noncompensable and unenforceable. A
593 person who knowingly makes or causes to be made an unlawful
594 charge commits theft within the meaning of and punishable as
595 provided in s. 812.014.

596 Section 12. For the purpose of incorporating the amendment
597 made by this act to section 812.014, Florida Statutes, in a
598 reference thereto, paragraph (g) of subsection (17) of section
599 409.910, Florida Statutes, is reenacted to read:

600 409.910 Responsibility for payments on behalf of Medicaid-
601 eligible persons when other parties are liable.—

602 (17)

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

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606 party benefits, including, without limitation, ss. 414.39 and
607 812.014. Such requests may be directed, without limitation, to
608 the Medicaid Fraud Control Unit of the Office of the Attorney
609 General or to any state attorney. Pursuant to s. 409.913, the
610 Attorney General has primary responsibility to investigate and
611 control Medicaid fraud.

612 Section 13. For the purpose of incorporating the amendment
613 made by this act to section 812.014, Florida Statutes, in a
614 reference thereto, subsection (4) of section 489.126, Florida
615 Statutes, is reenacted to read:

616 489.126 Moneys received by contractors.—

617 (4) Any person who violates any provision of this section
618 is guilty of theft and shall be prosecuted and punished under s.
619 812.014.

620 Section 14. For the purpose of incorporating the amendment
621 made by this act to section 812.014, Florida Statutes, in a
622 reference thereto, subsection (10) of section 550.6305, Florida
623 Statutes, is reenacted to read:

624 550.6305 Intertrack wagering; guest track payments;
625 accounting rules.—

626 (10) All races or games conducted at a permitholder's
627 facility, all broadcasts of such races or games, and all
628 broadcast rights relating thereto are owned by the permitholder
629 at whose facility such races or games are conducted and
630 constitute the permitholder's property as defined in s.
631 812.012(4). Transmission, reception of a transmission,
632 exhibition, use, or other appropriation of such races or games,
633 broadcasts of such races or games, or broadcast rights relating
634 thereto without the written consent of the permitholder

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

640 Section 15. For the purpose of incorporating the amendment
641 made by this act to section 812.014, Florida Statutes, in a
642 reference thereto, subsection (2) of section 627.743, Florida
643 Statutes, is reenacted to read:

644 627.743 Payment of third-party claims.—

645 (2) When making any payment on a third party claim for
646 damage to an automobile for a partial loss, the insurer shall
647 have printed on the loss estimate, if prepared by the insurer,
648 the following: "Failure to use the insurance proceeds in
649 accordance with the security agreement, if any, could be a
650 violation of s. 812.014, Florida Statutes. If you have any
651 questions, contact your lending institution." However, this
652 subsection does not apply if the insurer does not prepare the
653 loss estimate.

654 Section 16. For the purpose of incorporating the amendment
655 made by this act to section 812.014, Florida Statutes, in a
656 reference thereto, subsection (2) of section 634.319, Florida
657 Statutes, is reenacted to read:

658 634.319 Reporting and accounting for funds.—

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

663 Section 17. For the purpose of incorporating the amendment

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

667 634.421 Reporting and accounting for funds.—

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

671 Section 18. For the purpose of incorporating the amendment
672 made by this act to section 812.014, Florida Statutes, in a
673 reference thereto, subsection (3) of section 636.238, Florida
674 Statutes, is reenacted to read:

675 636.238 Penalties for violation of this part.—

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

679 Section 19. For the purpose of incorporating the amendment
680 made by this act to section 812.014, Florida Statutes, in a
681 reference thereto, subsection (2) of section 642.038, Florida
682 Statutes, is reenacted to read:

683 642.038 Reporting and accounting for funds.—

684 (2) Any sales representative who, not being entitled
685 thereto, diverts or appropriates such funds or any portion
686 thereof to his or her own use commits theft as provided in s.
687 812.014.

688 Section 20. For the purpose of incorporating the amendment
689 made by this act to section 812.014, Florida Statutes, in a
690 reference thereto, subsection (4) of section 705.102, Florida
691 Statutes, is reenacted to read:

692 705.102 Reporting lost or abandoned property.—

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693 (4) Any person who unlawfully appropriates such lost or
694 abandoned property to his or her own use or refuses to deliver
695 such property when required commits theft as defined in s.
696 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
697 775.084.

698 Section 21. For the purpose of incorporating the amendment
699 made by this act to section 812.014, Florida Statutes, in a
700 reference thereto, paragraph (d) of subsection (1) of section
701 718.111, Florida Statutes, is reenacted to read:

702 718.111 The association.—

703 (1) CORPORATE ENTITY.—

704 (d) As required by s. 617.0830, an officer, director, or
705 agent shall discharge his or her duties in good faith, with the
706 care an ordinarily prudent person in a like position would
707 exercise under similar circumstances, and in a manner he or she
708 reasonably believes to be in the interests of the association.
709 An officer, director, or agent shall be liable for monetary
710 damages as provided in s. 617.0834 if such officer, director, or
711 agent breached or failed to perform his or her duties and the
712 breach of, or failure to perform, his or her duties constitutes
713 a violation of criminal law as provided in s. 617.0834;
714 constitutes a transaction from which the officer or director
715 derived an improper personal benefit, either directly or
716 indirectly; or constitutes recklessness or an act or omission
717 that was in bad faith, with malicious purpose, or in a manner
718 exhibiting wanton and willful disregard of human rights, safety,
719 or property. Forgery of a ballot envelope or voting certificate
720 used in a condominium association election is punishable as
721 provided in s. 831.01, the theft or embezzlement of funds of a

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722 condominium association is punishable as provided in s. 812.014,
723 and the destruction of or the refusal to allow inspection or
724 copying of an official record of a condominium association that
725 is accessible to unit owners within the time periods required by
726 general law in furtherance of any crime is punishable as
727 tampering with physical evidence as provided in s. 918.13 or as
728 obstruction of justice as provided in chapter 843. An officer or
729 director charged by information or indictment with a crime
730 referenced in this paragraph must be removed from office, and
731 the vacancy shall be filled as provided in s. 718.112(2)(d)2.
732 until the end of the officer's or director's period of
733 suspension or the end of his or her term of office, whichever
734 occurs first. If a criminal charge is pending against the
735 officer or director, he or she may not be appointed or elected
736 to a position as an officer or a director of any association and
737 may not have access to the official records of any association,
738 except pursuant to a court order. However, if the charges are
739 resolved without a finding of guilt, the officer or director
740 must be reinstated for the remainder of his or her term of
741 office, if any.

742 Section 22. For the purpose of incorporating the amendment
743 made by this act to section 812.014, Florida Statutes, in
744 references thereto, subsections (4), (7), and (8) of section
745 812.14, Florida Statutes, are reenacted to read:

746 812.14 Trespass and larceny with relation to utility
747 fixtures; theft of utility services.—

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

750 (7) An owner, lessor, or sublessor who willfully violates

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751 subsection (5) commits a misdemeanor of the first degree,
752 punishable as provided in s. 775.082 or s. 775.083. Prosecution
753 for a violation of subsection (5) does not preclude prosecution
754 for theft pursuant to subsection (8) or s. 812.014.

755 (8) Theft of utility services for the purpose of
756 facilitating the manufacture of a controlled substance is theft,
757 punishable as provided in s. 812.014.

758 Section 23. For the purpose of incorporating the amendment
759 made by this act to section 812.014, Florida Statutes, in a
760 reference thereto, paragraph (b) of subsection (1) of section
761 985.11, Florida Statutes, is reenacted to read:

762 985.11 Fingerprinting and photographing.—

763 (1)

764 (b) Unless the child is issued a civil citation or is
765 participating in a similar diversion program pursuant to s.
766 985.12, a child who is charged with or found to have committed
767 one of the following offenses shall be fingerprinted, and the
768 fingerprints shall be submitted to the Department of Law
769 Enforcement as provided in s. 943.051(3)(b):

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

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

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

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

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

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

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

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

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- 780 9. Unlawful possession of a firearm, as defined in s.
781 790.22(5).
- 782 10. Petit theft, as defined in s. 812.014.
- 783 11. Cruelty to animals, as defined in s. 828.12(1).
- 784 12. Arson, resulting in bodily harm to a firefighter, as
785 defined in s. 806.031(1).
- 786 13. Unlawful possession or discharge of a weapon or firearm
787 at a school-sponsored event or on school property as defined in
788 s. 790.115.

789

790 A law enforcement agency may fingerprint and photograph a child
791 taken into custody upon probable cause that such child has
792 committed any other violation of law, as the agency deems
793 appropriate. Such fingerprint records and photographs shall be
794 retained by the law enforcement agency in a separate file, and
795 these records and all copies thereof must be marked "Juvenile
796 Confidential." These records are not available for public
797 disclosure and inspection under s. 119.07(1) except as provided
798 in ss. 943.053 and 985.04(2), but shall be available to other
799 law enforcement agencies, criminal justice agencies, state
800 attorneys, the courts, the child, the parents or legal
801 custodians of the child, their attorneys, and any other person
802 authorized by the court to have access to such records. In
803 addition, such records may be submitted to the Department of Law
804 Enforcement for inclusion in the state criminal history records
805 and used by criminal justice agencies for criminal justice
806 purposes. These records may, in the discretion of the court, be
807 open to inspection by anyone upon a showing of cause. The
808 fingerprint and photograph records shall be produced in the

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809 court whenever directed by the court. Any photograph taken
810 pursuant to this section may be shown by a law enforcement
811 officer to any victim or witness of a crime for the purpose of
812 identifying the person who committed such crime.

813 Section 24. For the purpose of incorporating the amendment
814 made by this act to section 812.015, Florida Statutes, in a
815 reference thereto, paragraph (f) of subsection (5) of section
816 538.09, Florida Statutes, is reenacted to read:

817 538.09 Registration.—

818 (5) In addition to the fine provided in subsection (4),
819 registration under this section may be denied or any
820 registration granted may be revoked, restricted, or suspended by
821 the department if the department determines that the applicant
822 or registrant:

823 (f) Has, within the preceding 10-year period for new
824 registrants who apply for registration on or after October 1,
825 2006, been convicted of, or has entered a plea of guilty or nolo
826 contendere to, or had adjudication withheld for, a crime against
827 the laws of this state or any other state or of the United
828 States which relates to registration as a secondhand dealer or
829 which involves theft, larceny, dealing in stolen property,
830 receiving stolen property, burglary, embezzlement, obtaining
831 property by false pretenses, possession of altered property, any
832 felony drug offense, any violation of s. 812.015, or any
833 fraudulent dealing;

834
835 In the event the department determines to deny an application or
836 revoke a registration, it shall enter a final order with its
837 findings on the register of secondhand dealers and their

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838 business associates, if any; and denial, suspension, or
839 revocation of the registration of a secondhand dealer shall also
840 deny, suspend, or revoke the registration of such secondhand
841 dealer's business associates.

842 Section 25. For the purpose of incorporating the amendment
843 made by this act to section 812.015, Florida Statutes, in a
844 reference thereto, subsection (2) of section 538.23, Florida
845 Statutes, is reenacted to read:

846 538.23 Violations and penalties.—

847 (2) A secondary metals recycler is presumed to know upon
848 receipt of stolen regulated metals property in a purchase
849 transaction that the regulated metals property has been stolen
850 from another if the secondary metals recycler knowingly and
851 intentionally fails to maintain the information required in s.
852 538.19 and shall, upon conviction of a violation of s. 812.015,
853 be punished as provided in s. 812.014(2) or (3).

854 Section 26. For the purpose of incorporating the amendment
855 made by this act to section 812.019, Florida Statutes, in a
856 reference thereto, paragraph (bb) of subsection (1) of section
857 1012.315, Florida Statutes, is reenacted to read:

858 1012.315 Disqualification from employment.—A person is
859 ineligible for educator certification or employment in any
860 position that requires direct contact with students in a
861 district school system, charter school, or private school that
862 accepts scholarship students who participate in a state
863 scholarship program under chapter 1002 if the person has been
864 convicted of:

865 (1) Any felony offense prohibited under any of the
866 following statutes:

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867 (bb) Section 812.019, relating to dealing in stolen
868 property.

869 Section 27. For the purpose of incorporating the amendments
870 made by this act to sections 812.014 and 812.015, Florida
871 Statutes, in references thereto, subsections (1) and (2) of
872 section 812.0155, Florida Statutes, are reenacted to read:

873 812.0155 Suspension of driver license following an
874 adjudication of guilt for theft.—

875 (1) Except as provided in subsections (2) and (3), the
876 court may order the suspension of the driver license of each
877 person adjudicated guilty of any misdemeanor violation of s.
878 812.014 or s. 812.015, regardless of the value of the property
879 stolen. Upon ordering the suspension of the driver license of
880 the person adjudicated guilty, the court shall forward the
881 driver license of the person adjudicated guilty to the
882 Department of Highway Safety and Motor Vehicles in accordance
883 with s. 322.25.

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

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

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

892 (a) Probation as defined in s. 985.03 or commitment to the
893 Department of Juvenile Justice, if the person is adjudicated
894 delinquent for such violation and has not previously been
895 convicted of or adjudicated delinquent for any criminal offense,

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896 regardless of whether adjudication was withheld.

897 (b) Probation as defined in s. 985.03, commitment to the
898 Department of Juvenile Justice, probation as defined in chapter
899 948, community control, or incarceration, if the person is
900 convicted as an adult of such violation and has not previously
901 been convicted of or adjudicated delinquent for any criminal
902 offense, regardless of whether adjudication was withheld.

903 Section 28. For the purpose of incorporating the amendments
904 made by this act to section 812.014, Florida Statutes, in a
905 reference thereto, subsection (3) of section 893.138, Florida
906 Statutes, is reenacted to read:

907 893.138 Local administrative action to abate drug-related,
908 prostitution-related, or stolen-property-related public
909 nuisances and criminal gang activity.-

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

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

915 (b) Section 810.02, relating to burglary;

916 (c) Section 812.014, relating to theft;

917 (d) Section 812.131, relating to robbery by sudden
918 snatching; or

919 (e) Section 893.13, relating to the unlawful distribution
920 of controlled substances,

921
922 may be declared to be a public nuisance, and such nuisance may
923 be abated pursuant to the procedures provided in this section.

924 Section 29. Except as otherwise expressly provided in this

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925 act, this act shall take effect October 1, 2019.