

By Representatives Kravitz, Gardiner, Davis, Gibson,
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1 A bill to be entitled
2 An act relating to property crimes; amending s.
3 812.014, F.S.; decreasing the value of stolen
4 property which constitutes the offense of grand
5 theft or petit theft; requiring that the
6 Department of Law Enforcement conduct a
7 campaign to increase the public's awareness of
8 such change in the law; amending s. 812.015,
9 F.S.; defining the term "merchant's employee"
10 to include private security guards; redefining
11 the term "retail theft" to include theft of
12 property and altering or removing a universal
13 product code; redefining the term
14 "antishoplifting or inventory control device"
15 to include film used for security purposes and
16 cash register receipts; redefining the term
17 "antishoplifting or inventory control device
18 countermeasure" to include any item or device
19 used to defeat an antishoplifting or inventory
20 control device; authorizing a merchant or
21 merchant's employee to provide a business
22 address for purposes of any investigation with
23 respect to the offense of retail theft;
24 increasing the penalty for unlawfully
25 possessing antishoplifting or inventory control
26 device countermeasures; providing that it is a
27 second-degree felony to commit certain types of
28 retail theft; creating s. 812.0155, F.S.;
29 requiring that the court order a person's
30 driver's license to be suspended following an
31 adjudication of guilt for certain misdemeanor

1 violations involving retail theft; providing
2 for an increased period of suspension for a
3 second or subsequent adjudication; authorizing
4 the court to revoke, suspend, or withhold
5 issuance of a minor's driver's license as an
6 alternative to certain other sanctions;
7 creating s. 812.017, F.S.; providing penalties
8 for the use of a fraudulently obtained or false
9 receipt to request a refund or obtain
10 merchandise; creating s. 812.0195, F.S.;
11 providing penalties for dealing in stolen
12 property by use of the Internet; creating s.
13 812.0351, F.S.; requiring that the court
14 consider a person's complete criminal record in
15 sentencing that person for a violation of ss.
16 812.012-812.037, F.S., relating to theft and
17 dealing in stolen property, or for a violation
18 of s. 812.081, F.S., relating to stealing,
19 embezzling, or unlawfully copying a trade
20 secret; amending ss. 831.07, 831.08, 831.09,
21 F.S.; prohibiting forging a check or draft or
22 possessing or passing a forged check or draft;
23 providing penalties; reenacting s. 831.10,
24 F.S., relating to a second conviction of
25 uttering forged bills, to incorporate the
26 amendment to s. 831.09, F.S., in references
27 thereto; amending s. 831.11, F.S.; prohibiting
28 bringing a forged or counterfeit check or draft
29 into the state; providing a penalty; amending
30 s. 831.12, F.S.; providing that connecting
31 together checks or drafts to produce an

1 additional check or draft constitutes the
2 offense of forgery; creating s. 831.28, F.S.;
3 providing a definition; prohibiting the
4 counterfeiting of payment instruments with
5 intent to defraud; prohibiting the possession
6 of a counterfeit payment instrument; providing
7 penalties; specifying acts that constitute
8 prima facie evidence of intent to defraud;
9 authorizing a law enforcement agency to produce
10 or display a counterfeit payment instrument for
11 training purposes; amending s. 832.05, F.S.,
12 relating to worthless checks, drafts, or debit
13 card orders; providing that prior passing of a
14 worthless check or draft is not notice to the
15 payee of insufficient funds to ensure payment
16 of a subsequent check or draft; providing
17 penalties for the offense of drawing a check,
18 draft, or other order on a nonexistent account
19 or closed account; providing penalties for a
20 third or subsequent violation; creating s.
21 832.11, F.S.; requiring that the court consider
22 a person's complete criminal record in
23 sentencing that person for a violation of ch.
24 832, F.S.; prohibiting the court from
25 sentencing such a person to a pretrial
26 intervention program under certain
27 circumstances; amending s. 921.0022, F.S.,
28 relating to the offense severity ranking chart
29 of the Criminal Punishment Code; conforming
30 provisions to changes made by the act;
31 encouraging local law enforcement agencies to

1 establish a task force on retail crime;
2 providing direction on the composition and
3 operation of such a task force; providing for
4 severability; providing effective dates.

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

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8 Section 1. Effective July 1, 2002, subsections (1) and
9 (2) of section 812.014, Florida Statutes, are amended to read:
10 812.014 Theft.--

11 (1) A person commits theft if he or she knowingly
12 obtains or uses, or endeavors to obtain or to use, the
13 property of another with intent to, either temporarily or
14 permanently:

15 (a) Deprive the other person of a right to the
16 property or a benefit from the property.

17 (b) Appropriate the property to his or her own use or
18 to the use of any person not entitled to the use of the
19 property.

20 (2)(a)1. If the property stolen is valued at \$100,000
21 or more; or

22 2. If the offender commits any grand theft and:

23 a. In the course of committing the offense the
24 offender uses a motor vehicle as an instrumentality, other
25 than merely as a getaway vehicle, to assist in committing the
26 offense and thereby damages the real property of another; or

27 b. In the course of committing the offense the
28 offender causes damage to the real or personal property of
29 another in excess of \$1,000,

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1 the offender commits grand theft in the first degree,
2 punishable as a felony of the first degree, as provided in s.
3 775.082, s. 775.083, or s. 775.084.

4 (b) If the property stolen is valued at \$20,000 or
5 more, but less than \$100,000, the offender commits grand theft
6 in the second degree, punishable as a felony of the second
7 degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

8 (c) It is grand theft of the third degree and a felony
9 of the third degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084, if the property stolen is:

11 1. Valued at \$150~~\$300~~ or more, but less than \$5,000.

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

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

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

15 5. A firearm.

16 6. A motor vehicle, except as provided in paragraph

17 (2)(a).

18 7. Any commercially farmed animal, including any
19 animal of the equine, bovine, or swine class, or other grazing
20 animal, and including aquaculture species raised at a
21 certified aquaculture facility. If the property stolen is
22 aquaculture species raised at a certified aquaculture
23 facility, then a \$10,000 fine shall be imposed.

24 8. Any fire extinguisher.

25 9. Any amount of citrus fruit consisting of 2,000 or
26 more individual pieces of fruit.

27 10. Taken from a designated construction site
28 identified by the posting of a sign as provided for in s.
29 810.09(2)(d).

30 11. Any stop sign.

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1 (d) It is grand theft of the third degree and a felony
2 of the third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084, if the property stolen is valued at
4 \$100 or more, but less than \$300, and is taken from a dwelling
5 as defined in s. 810.011(2) or from the unenclosed curtilage
6 of a dwelling pursuant to s. 810.09(1).

7 (e) Except as provided in paragraph (d), if the
8 property stolen is valued at ~~\$100 or more, but less than \$150~~
9 ~~\$300~~, the offender commits petit theft of the first degree,
10 punishable as a misdemeanor of the first degree, as provided
11 in s. 775.082 or s. 775.083.

12 Section 2. The Department of Law Enforcement, in
13 cooperation with local law enforcement agencies, retail trade
14 groups, and other interested parties, shall prepare and
15 distribute to media organizations throughout the state a media
16 campaign that consists of public-service announcements and
17 other materials to increase public awareness of the provisions
18 of this act which lower the dollar threshold for felony theft.
19 The department may use any available funds for the media
20 campaign, including funds contributed for such purpose by any
21 public or private entity.

22 Section 3. Section 812.015, Florida Statutes, is
23 amended to read:

24 812.015 Retail and farm theft; transit fare evasion;
25 mandatory fine; alternative punishment; detention and arrest;
26 exemption from liability for false arrest; resisting arrest;
27 penalties.--

28 (1) As used in this section:

29 (a) "Merchandise" means any personal property, capable
30 of manual delivery, displayed, held, or offered for retail
31 sale by a merchant.

1 (b) "Merchant" means an owner or operator, or the
2 agent, consignee, employee, lessee, or officer of an owner or
3 operator, of any premises or apparatus used for retail
4 purchase or sale of any merchandise. The term "merchant's
5 employee" includes a private security guard employed or
6 contracted by one or more merchants or by a shopping center,
7 shopping mall, or other business establishment.

8 (c) "Value of merchandise" means the sale price of the
9 merchandise at the time it was stolen or otherwise removed,
10 depriving the owner of her or his lawful right to ownership
11 and sale of said item.

12 (d) "Retail theft" means the taking possession of or
13 carrying away of merchandise, property, money, or negotiable
14 documents; altering or removing a label, universal product
15 code, or price tag; transferring merchandise from one
16 container to another; or removing a shopping cart, with intent
17 to deprive the merchant of possession, use, benefit, or full
18 retail value.

19 (e) "Farm produce" means livestock or any item grown,
20 produced, or manufactured by a person owning, renting, or
21 leasing land for the purpose of growing, producing, or
22 manufacturing items for sale or personal use, either part time
23 or full time.

24 (f) "Farmer" means a person who is engaging in the
25 growing or producing of farm produce, milk products, eggs, or
26 meat, either part time or full time, for personal consumption
27 or for sale and who is the owner or lessee of the land or a
28 person designated in writing by the owner or lessee to act as
29 her or his agent. No person defined as a farm labor contractor
30 pursuant to s. 450.28 shall be designated to act as an agent
31 for purposes of this section.

1 (g) "Farm theft" means the unlawful taking possession
2 of any items that are grown or produced on land owned, rented,
3 or leased by another person.

4 (h) "Antishoplifting or inventory control device"
5 means a mechanism or other device designed and operated for
6 the purpose of detecting the removal from a mercantile
7 establishment or similar enclosure, or from a protected area
8 within such an enclosure, of specially marked or tagged
9 merchandise. The term includes any video recording or other
10 film used for security purposes and the cash register tape or
11 other record made of the register receipt.

12 (i) "Antishoplifting or inventory control device
13 countermeasure" means any item or device which is used,
14 designed, manufactured, modified, or altered to defeat any
15 antishoplifting or inventory control device.

16 (j) "Transit fare evasion" means the unlawful refusal
17 to pay the appropriate fare for transportation upon a mass
18 transit vehicle, or to evade the payment of such fare, or to
19 enter any mass transit vehicle or facility by any door,
20 passageway, or gate, except as provided for the entry of
21 fare-paying passengers, and shall constitute petit theft as
22 proscribed by this chapter.

23 (k) "Mass transit vehicle" means buses, rail cars, or
24 fixed-guideway mover systems operated by, or under contract
25 to, state agencies, political subdivisions of the state, or
26 municipalities for the transportation of fare-paying
27 passengers.

28 (l) "Transit agency" means any state agency, political
29 subdivision of the state, or municipality which operates mass
30 transit vehicles.

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1 (m) "Trespass" means the violation as described in s.
2 810.08.

3 (2) Upon a second or subsequent conviction for petit
4 theft from a merchant, farmer, or transit agency, the offender
5 shall be punished as provided in s. 812.014(3), except that
6 the court shall impose a fine of not less than \$50 or more
7 than \$1,000. However, in lieu of such fine, the court may
8 require the offender to perform public services designated by
9 the court. In no event shall any such offender be required to
10 perform fewer than the number of hours of public service
11 necessary to satisfy the fine assessed by the court, as
12 provided by this subsection, at the minimum wage prevailing in
13 the state at the time of sentencing.

14 (3)(a) A law enforcement officer, a merchant, a
15 farmer, or a transit agency's employee or agent, who has
16 probable cause to believe that a retail theft, farm theft, a
17 transit fare evasion, or trespass, or unlawful use or
18 attempted use of any antishoplifting or inventory control
19 device countermeasure, has been committed by a person and, in
20 the case of retail or farm theft, that the property can be
21 recovered by taking the offender into custody may, for the
22 purpose of attempting to effect such recovery or for
23 prosecution, take the offender into custody and detain the
24 offender in a reasonable manner for a reasonable length of
25 time. In the case of a farmer, taking into custody shall be
26 effectuated only on property owned or leased by the farmer.
27 In the event the merchant, merchant's employee, farmer, or a
28 transit agency's employee or agent takes the person into
29 custody, a law enforcement officer shall be called to the
30 scene immediately after the person has been taken into
31 custody.

1 (b) The activation of an antishoplifting or inventory
2 control device as a result of a person exiting an
3 establishment or a protected area within an establishment
4 shall constitute reasonable cause for the detention of the
5 person so exiting by the owner or operator of the
6 establishment or by an agent or employee of the owner or
7 operator, provided sufficient notice has been posted to advise
8 the patrons that such a device is being utilized. Each such
9 detention shall be made only in a reasonable manner and only
10 for a reasonable period of time sufficient for any inquiry
11 into the circumstances surrounding the activation of the
12 device.

13 (c) The taking into custody and detention by a law
14 enforcement officer, merchant, merchant's employee, farmer, or
15 a transit agency's employee or agent, if done in compliance
16 with all the requirements of this subsection, shall not render
17 such law enforcement officer, merchant, merchant's employee,
18 farmer, or a transit agency's employee or agent, criminally or
19 civilly liable for false arrest, false imprisonment, or
20 unlawful detention.

21 (4) Any law enforcement officer may arrest, either on
22 or off the premises and without warrant, any person the
23 officer has probable cause to believe unlawfully possesses, or
24 is unlawfully using or attempting to use or has used or
25 attempted to use, any antishoplifting or inventory control
26 device countermeasure or has committed theft in a retail or
27 wholesale establishment or on commercial or private farm lands
28 of a farmer or transit fare evasion or trespass.

29 (5)(a) A merchant, merchant's employee, farmer, or a
30 transit agency's employee or agent who takes a person into
31 custody, as provided in subsection (3), or who causes an

1 arrest, as provided in subsection (4), of a person for retail
2 theft, farm theft, transit fare evasion, or trespass shall not
3 be criminally or civilly liable for false arrest or false
4 imprisonment when the merchant, merchant's employee, farmer,
5 or a transit agency's employee or agent has probable cause to
6 believe that the person committed retail theft, farm theft,
7 transit fare evasion, or trespass.

8 (b) If a merchant or merchant's employee takes a
9 person into custody as provided in this section, or acts as a
10 witness with respect to any person taken into custody as
11 provided in this section, the merchant or merchant's employee
12 may provide his or her business address rather than home
13 address to any investigating law enforcement officer.

14 (6) An individual who, while committing or after
15 committing theft of property, transit fare evasion, or
16 trespass, resists the reasonable effort of a law enforcement
17 officer, merchant, merchant's employee, farmer, or a transit
18 agency's employee or agent to recover the property or cause
19 the individual to pay the proper transit fare or vacate the
20 transit facility which the law enforcement officer, merchant,
21 merchant's employee, farmer, or a transit agency's employee or
22 agent had probable cause to believe the individual had
23 concealed or removed from its place of display or elsewhere or
24 perpetrated a transit fare evasion or trespass commits a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083, unless the individual did not know, or
27 did not have reason to know, that the person seeking to
28 recover the property was a law enforcement officer, merchant,
29 merchant's employee, farmer, or a transit agency's employee or
30 agent. For purposes of this section the charge of theft and
31 the charge of resisting may be tried concurrently.

1 (7) It is unlawful to possess, or use or attempt to
2 use, any antishoplifting or inventory control device
3 countermeasure within any premises used for the retail
4 purchase or sale of any merchandise. Any person who possesses
5 any antishoplifting or inventory control device countermeasure
6 within any premises used for the retail purchase or sale of
7 any merchandise commits a felony ~~misdemeanor~~ of the third
8 ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
9 775.083, or s. 775.084. Any person who uses or attempts to
10 use any antishoplifting or inventory control device
11 countermeasure within any premises used for the retail
12 purchase or sale of any merchandise commits a felony of the
13 third degree, punishable as provided in s. 775.082, s.
14 775.083, or s. 775.084.

15 (8) If a person commits retail theft, it is a felony
16 of the second degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084, if the property stolen is valued at
18 \$150 or more, and the person:

19 (a) Individually, or in concert with one or more other
20 persons, coordinates the activities of one or more individuals
21 in committing the offense, in which case the amount of each
22 individual theft is aggregated to determine the value of the
23 property stolen.

24 (b) Commits theft from more than one location within a
25 48-hour period, in which case the amount of each individual
26 theft is aggregated to determine the value of the property
27 stolen.

28 (c) Acts in concert with one or more other individuals
29 within one or more establishments to distract the merchant,
30 merchant's employee, or law enforcement officer in order to
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1 carry out the offense, or acts in other ways to coordinate
2 efforts to carry out the offense.

3 (d) Unlawfully possesses a controlled substance or
4 drug paraphernalia at the time of the offense.

5 (e) Commits the offense through the purchase of
6 merchandise in a package or box that contains merchandise
7 other than, or in addition to, the merchandise purported to be
8 contained in the package or box.

9 (f) Resists with violence efforts by the merchant,
10 merchant's employee, or law enforcement officer to detain the
11 offender. As used in this paragraph, the term "violence"
12 includes, but is not limited to, the use of a gun, knife, or
13 other weapon or the use of physical force.

14 Section 4. Section 812.0155, Florida Statutes, is
15 created to read:

16 812.0155 Suspension of driver's license following an
17 adjudication of guilt for retail theft.--

18 (1) Except as provided in subsections (2) and (3), the
19 court shall order the suspension of the driver's license of
20 each person adjudicated guilty of any misdemeanor violation of
21 s. 812.014 or s. 812.015, regardless of the value of the
22 property stolen. The court shall forward the driver's license
23 of the person adjudicated guilty to the Department of Highway
24 Safety and Motor Vehicles in accordance with s. 322.25.

25 (a) The first suspension of a driver's license under
26 this subsection shall be for a period of up to 6 months.

27 (b) A second or subsequent suspension of a driver's
28 license under this subsection shall be for 1 year.

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

3 (a) Probation as defined in s. 985.03 or commitment to
4 the Department of Juvenile Justice, if the person is
5 adjudicated delinquent for such violation and has not
6 previously been convicted of or adjudicated delinquent for any
7 criminal offense, regardless of whether adjudication was
8 withheld.

9 (b) Probation as defined in s. 985.03, commitment to
10 the Department of Juvenile Justice, probation as defined in s.
11 948.01, community control, or incarceration, if the person is
12 convicted as an adult of such violation and has not previously
13 been convicted of or adjudicated delinquent for any criminal
14 offense, regardless of whether adjudication was withheld.

15 (3) As used in this subsection, the term "department"
16 means the Department of Highway Safety and Motor Vehicles. A
17 court that revokes, suspends, or withholds issuance of a
18 driver's license under subsection (2) shall do so as follows:

19 (a) If the person is eligible by reason of age for a
20 driver's license or driving privilege, the court shall direct
21 the department to revoke or withhold issuance of the person's
22 driver's license or driving privilege for not less than 6
23 months and not more than 1 year.

24 (b) If the person's driver's license is under
25 suspension or revocation for any reason, the court shall
26 direct the department to extend the period of suspension or
27 revocation by not less than 6 months and not more than 1 year.

28 (c) If the person is ineligible by reason of age for a
29 driver's license or driving privilege, the court shall direct
30 the department to withhold issuance of the person's driver's
31 license or driving privilege for not less than 6 months and

1 not more than 1 year after the date on which the person would
2 otherwise become eligible.

3 (4) Subsections (2) and (3) do not preclude the court
4 from imposing any sanction specified or not specified in
5 subsection (2) or subsection (3).

6 Section 5. Section 812.017, Florida Statutes, is
7 created to read:

8 812.017 Use of a fraudulently obtained or false
9 receipt.--

10 (1) Any person who requests a refund of merchandise,
11 money, or any other thing of value through the use of a
12 fraudulently obtained receipt or false receipt commits a
13 misdemeanor of the second degree, punishable as provided in s.
14 775.082 or s. 775.083.

15 (2) Any person who obtains merchandise, money, or any
16 other thing of value through the use of a fraudulently
17 obtained receipt or false receipt commits a misdemeanor of the
18 first degree, punishable as provided in s. 775.082 or s.
19 775.083.

20 Section 6. Section 812.0195, Florida Statutes, is
21 created to read:

22 812.0195 Dealing in stolen property by use of the
23 Internet.--Any person in this state who uses the Internet to
24 sell or offer for sale any merchandise or other property that
25 the person knows, or has reasonable cause to believe, is
26 stolen commits:

27 (1) A misdemeanor of the second degree, punishable as
28 provided in s. 775.082 or s. 775.083, if the value of the
29 property is less than \$150.

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1 (2) A felony of the third degree, punishable as
2 provided in s. 775.082, s. 775.083, or s. 775.084, if the
3 value of the property is \$150 or more.

4 Section 7. Section 812.0351, Florida Statutes, is
5 created to read:

6 812.0351 Court to consider complete criminal record;
7 preclusion from pretrial intervention program.--

8 (1) In any criminal or civil action arising from a
9 violation of any provision of ss. 812.014-812.037 or s.
10 812.081, the court shall consider the complete criminal record
11 of the person who commits such violation, including, but not
12 limited to, the person's prior arrests, referral to pretrial
13 intervention programs, pending criminal cases, and prior
14 convictions, regardless of whether adjudication was withheld.

15 (2) Notwithstanding s. 948.08 or any other law, a
16 person who violates any provision of ss. 812.014-812.037 or s.
17 812.081 may not be referred to a pretrial intervention program
18 for such violation if the person has previously been referred
19 to a pretrial intervention program for any criminal violation.

20 Section 8. Section 831.07, Florida Statutes, is
21 amended to read:

22 831.07 Forging bank bills, checks, drafts, or
23 promissory notes.--Whoever falsely makes, alters, forges or
24 counterfeits a bank bill, check, draft, or promissory note
25 payable to the bearer thereof, or to the order of any person,
26 issued by an incorporated banking company established in this
27 state, or within the United States, or any foreign province,
28 state, or government, with intent to injure any person,
29 commits ~~shall be guilty of~~ a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084.

1 Section 9. Section 831.08, Florida Statutes, is
2 amended to read:

3 831.08 Possessing certain forged notes,or bills,
4 checks, or drafts.--Whoever has in his or her possession 10 or
5 more similar false, altered, forged,or counterfeit notes,
6 bills of credit, bank bills, checks, drafts,or notes, such as
7 are mentioned in any of the preceding sections of this
8 chapter, payable to the bearer thereof or to the order of any
9 person, knowing the same to be false, altered, forged,or
10 counterfeit, with intent to utter and pass the same as true,
11 and thereby to injure or defraud any person, commits ~~shall be~~
12 ~~guilty~~ of a felony of the third degree, punishable as provided
13 in s. 775.082, s. 775.083, or s. 775.084.

14 Section 10. Section 831.09, Florida Statutes, is
15 amended to read:

16 831.09 Uttering forged bills, checks, drafts, or
17 notes.--Whoever utters or passes or tenders in payment as
18 true, any such false, altered, forged,or counterfeit note, or
19 any bank bill, check, draft,or promissory note, payable to
20 the bearer thereof or to the order of any person, issued as
21 aforesaid, knowing the same to be false, altered, forged,or
22 counterfeit, with intent to injure or defraud any person,
23 commits ~~shall be~~ guilty of a felony of the third degree,
24 punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084.

26 Section 11. For the purpose of incorporating the
27 amendments made by this act to section 831.09, Florida
28 Statutes, in references thereto, section 831.10, Florida
29 Statutes, is reenacted to read:

30 831.10 Second conviction of uttering forged
31 bills.--Whoever, having been convicted of the offense

1 mentioned in s. 831.09 is again convicted of the like offense
2 committed after the former conviction, and whoever is at the
3 same term of the court convicted upon three distinct charges
4 of such offense, shall be deemed a common utterer of
5 counterfeit bills, and shall be punished as provided in s.
6 775.084.

7 Section 12. Section 831.11, Florida Statutes, is
8 amended to read:

9 831.11 Bringing into the state forged bank bills,
10 checks, drafts, or notes.--Whoever brings into this state or
11 has in his or her possession a false, forged, or counterfeit
12 bill, check, draft, or note in the similitude of the bills or
13 notes payable to the bearer thereof or to the order of any
14 person issued by or for any bank or banking company
15 established in this state, or within the United States, or any
16 foreign province, state or government, with intent to utter
17 and pass the same or to render the same current as true,
18 knowing the same to be false, forged, or counterfeit, commits
19 ~~shall be guilty of~~ a felony of the third degree, punishable as
20 provided in s. 775.082, s. 775.083, or s. 775.084.

21 Section 13. Section 831.12, Florida Statutes, is
22 amended to read:

23 831.12 Fraudulently connecting parts of genuine
24 instrument.--Whoever fraudulently connects together parts of
25 several banknotes, checks, drafts, or other genuine
26 instruments in such a manner as to produce one additional
27 note, check, draft, or instrument, with intent to pass all of
28 them as genuine, commits ~~shall be deemed guilty of~~ forgery ~~in~~
29 ~~like manner~~ as if each of them had been falsely made or
30 forged.

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1 Section 14. Section 831.28, Florida Statutes, is
2 created to read:

3 831.28 Counterfeiting a payment instrument; possessing
4 a counterfeit payment instrument; penalties.--

5 (1) As used in this section, the term "counterfeit"
6 means the manufacture of or arrangement to manufacture a
7 payment instrument, as defined in s. 560.103, without the
8 permission of the financial institution, account holder, or
9 organization whose name, routing number, or account number
10 appears on the payment instrument, or the manufacture of any
11 payment instrument with a fictitious name, routing number, or
12 account number.

13 (2)(a) It is unlawful to counterfeit a payment
14 instrument with the intent to defraud a financial institution,
15 account holder, or any other person or organization or for a
16 person to have any counterfeit payment instrument in such
17 person's possession. Any person who violates this subsection
18 commits a felony of the third degree, punishable as provided
19 in s. 775.082, s. 775.083, or s. 775.084.

20 (b) The printing of a payment instrument in the name
21 of a person or entity or with the routing number or account
22 number of a person or entity without the permission of the
23 person or entity to manufacture or reproduce such payment
24 instrument with such name, routing number, or account number
25 is prima facie evidence of intent to defraud.

26 (3) This section does not apply to a law enforcement
27 agency that produces or displays counterfeit payment
28 instruments for investigative or educational purposes.

29 Section 15. Section 832.05, Florida Statutes, is
30 amended to read:

31

1 832.05 Giving worthless checks, drafts, and debit card
2 orders; penalty; duty of drawee; evidence; costs; complaint
3 form.--

4 (1) PURPOSE.--The purpose of this section is to remedy
5 the evil of giving checks, drafts, bills of exchange, debit
6 card orders, and other orders on banks without first providing
7 funds in or credit with the depositories on which the same are
8 made or drawn to pay and satisfy the same, which tends to
9 create the circulation of worthless checks, drafts, bills of
10 exchange, debit card orders, and other orders on banks, bad
11 banking, check kiting, and a mischief to trade and commerce.

12 (2) WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS;
13 PENALTY.--

14 (a) It is unlawful for any person, firm, or
15 corporation to draw, make, utter, issue, or deliver to another
16 any check, draft, or other written order on any bank or
17 depository, or to use a debit card, for the payment of money
18 or its equivalent, knowing at the time of the drawing, making,
19 uttering, issuing, or delivering such check or draft, or at
20 the time of using such debit card, that the maker or drawer
21 thereof has not sufficient funds on deposit in or credit with
22 such bank or depository with which to pay the same on
23 presentation; except that this section does not apply to any
24 check when the payee or holder knows or has been expressly
25 notified prior to the drawing or uttering of the check, or has
26 reason to believe, that the drawer did not have on deposit or
27 to the drawer's credit with the drawee sufficient funds to
28 ensure payment as aforesaid, nor does this section apply to
29 any postdated check.

30 (b) A violation of the provisions of this subsection
31 constitutes a misdemeanor of the first degree, punishable as

1 provided in s. 775.082 or s. 775.083, unless the check, draft,
2 debit card order, or other written order drawn, made, uttered,
3 issued, or delivered is in the amount of \$150, or its
4 equivalent, or more and the payee or a subsequent holder
5 thereof receives something of value therefor. In that event,
6 the violation constitutes a felony of the third degree,
7 punishable as provided in s. 775.082, s. 775.083, or s.
8 775.084.

9 (3) CASHING OR DEPOSITING ITEM WITH INTENT TO DEFRAUD;
10 PENALTY.--

11 (a) It is unlawful for any person, by act or common
12 scheme, to cash or deposit any item, as defined in s.
13 674.104(1)(i), in any bank or depository with intent to
14 defraud.

15 (b) A violation of the provisions of this subsection
16 constitutes a felony of the third degree, punishable as
17 provided in s. 775.082, s. 775.083, or s. 775.084.

18 (4) OBTAINING PROPERTY OR SERVICES IN RETURN FOR
19 WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS; PENALTY.--

20 (a) It is unlawful for any person, firm, or
21 corporation to obtain any services, goods, wares, or other
22 things of value by means of a check, draft, or other written
23 order upon any bank, person, firm, or corporation, knowing at
24 the time of the making, drawing, uttering, issuing, or
25 delivering of such check or draft that the maker thereof has
26 not sufficient funds on deposit in or credit with such bank or
27 depository with which to pay the same upon presentation.
28 However, no crime may be charged in respect to the giving of
29 any such check or draft or other written order when the payee
30 knows, has been expressly notified, or has reason to believe
31 that the drawer did not have on deposit or to the drawer's

1 credit with the drawee sufficient funds to ensure payment
2 thereof. A payee does not have reason to believe a payor does
3 not have sufficient funds to ensure payment of a check solely
4 because the payor has previously issued a worthless check to
5 him or her.

6 (b) It is unlawful for any person to use a debit card
7 to obtain money, goods, services, or anything else of value
8 knowing at the time of such use that he or she does not have
9 sufficient funds on deposit with which to pay for the same or
10 that the value thereof exceeds the amount of credit which is
11 available to him or her through an overdraft financing
12 agreement or prearranged line of credit which is accessible by
13 the use of the card.

14 (c) A violation of the provisions of this subsection,
15 if the check, draft, other written order, or debit card order
16 is for an amount less than \$150 or its equivalent, constitutes
17 a misdemeanor of the first degree, punishable as provided in
18 s. 775.082 or s. 775.083. A violation of the provisions of
19 this subsection, if the check, draft, other written order, or
20 debit card order is in the amount of \$150, or its equivalent,
21 or more, constitutes a felony of the third degree, punishable
22 as provided in s. 775.082, s. 775.083, or s. 775.084.

23 (5) CHECKS, DRAFTS, OR DEBIT CARD ORDERS DRAWN ON A
24 BANK IN WHICH THE MAKER HAS NO ACCOUNT OR A CLOSED ACCOUNT.--

25 (a) A person, firm, or corporation may not draw, make,
26 utter, issue, or deliver to another any check, draft, or debit
27 card order for the payment of money or its equivalent, knowing
28 at the time of the drawing, making, uttering, issuing, or
29 delivering of such check, draft, or debit card order that the
30 check, draft, or order is drawn on a bank or depository in
31 which the maker or drawer has no account or a closed account.

1 (b) Any person who violates this subsection commits:

2 1. A misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083, if the amount of the
4 check, draft, or debit card order is for an amount less than
5 \$150.

6 2. A felony of the second degree, punishable as
7 provided in s. 775.082, s. 775.083, or s. 775.084, if the
8 amount of the check, draft, or debit card order is for an
9 amount of \$150 or more.

10 (6) THIRD OR SUBSEQUENT VIOLATION.--Any person who
11 violates subsection (2) or subsection (4) for a third or
12 subsequent time by drawing, making, uttering, issuing, or
13 delivering a check, draft, or debit card order in the amount
14 of \$150 or more commits a felony of the second degree,
15 punishable as provided in s. 775.082, s. 775.083, or s.
16 775.084.

17 (7)(5) PAYMENT NO DEFENSE.--Payment of a dishonored
18 check, draft, bill of exchange, or other order does not
19 constitute a defense or ground for dismissal of charges
20 brought under this section.

21 (8)(6) "CREDIT," "DEBIT CARD" DEFINED.--

22 (a) The word "credit" as used herein shall be
23 construed to mean an arrangement or understanding with the
24 drawee for the payment of such check, draft, or other written
25 order.

26 (b) As used in this section, the term "debit card"
27 means a card, code, or other device, other than a check,
28 draft, or similar paper instrument, by the use of which a
29 person may order, instruct, or authorize a financial
30 institution to debit a demand deposit, savings deposit, or
31 other asset account.

1 (9)~~(7)~~ REASON FOR DISHONOR, DUTY OF DRAWEE.--It is the
2 duty of the drawee of any check, draft, or other written
3 order, before refusing to pay the same to the holder thereof
4 upon presentation, to cause to be written, printed, or stamped
5 in plain language thereon or attached thereto the reason for
6 the drawee's dishonor or refusal to pay it. In any
7 prosecution under this section, the introduction in evidence
8 of any unpaid and dishonored check, draft, or other written
9 order having the drawee's refusal to pay stamped or written
10 thereon or attached thereto, with the reason therefor as
11 aforesaid, is prima facie evidence of the making or uttering
12 of such check, draft, or other written order, of the due
13 presentation to the drawee for payment and the dishonor
14 thereof, and that the same was properly dishonored for the
15 reasons written, stamped, or attached by the drawee on such
16 dishonored check, draft, or other written order. As against
17 the maker or drawer thereof, the withdrawing from deposit with
18 the drawee named in the check, draft, or other written order
19 of the funds on deposit with such drawee necessary to ensure
20 payment of such check, draft, or other written order upon
21 presentation within a reasonable time after negotiation or the
22 drawing, making, uttering, or delivering of a check, draft, or
23 written order, payment of which is refused by the drawee, is
24 prima facie evidence of knowledge of insufficient funds in or
25 credit with such drawee. However, if it is determined at the
26 trial in a prosecution hereunder that the payee of any such
27 check, draft, or written order, at the time of accepting such
28 check, draft, or written order, had knowledge of or reason to
29 believe that the drawer of such check, draft, or other written
30 order did not have sufficient funds on deposit in or credit
31 with such drawee, then the payee instituting such criminal

1 prosecution shall be assessed all costs of court incurred in
2 connection with such prosecution.

3 ~~(10)(8)~~ COSTS.--When a prosecution is initiated under
4 this section before any committing magistrate, the party
5 applying for the warrant shall be held liable for costs
6 accruing in the event the case is dismissed for want of
7 prosecution. No costs shall be charged to the county in such
8 dismissed cases.

9 ~~(11)(9)~~ STATE ATTORNEYS; WORTHLESS CHECKS; FORM OF
10 COMPLAINT.--The state attorneys of Florida shall collectively
11 promulgate a single form to be used in all judicial circuits
12 by persons reporting a violation of this chapter.

13 (12) CONSTRUCTION; PAYEE OR HOLDER; INSUFFICIENT
14 FUNDS.--For purposes of construction of this section, a payee
15 or holder does not have knowledge, express notification, or
16 reason to believe that the maker or drawer has insufficient
17 funds to ensure payment of a check, draft, or debit card
18 solely because the maker or drawer has previously drawn or
19 issued a worthless check, draft, or debit card order to the
20 payee or holder.

21 Section 16. Section 832.11, Florida Statutes, is
22 created to read:

23 832.11 Court to consider complete criminal record;
24 preclusion from pretrial intervention program.--

25 (1) In sentencing a person for violating any provision
26 of this chapter, the court shall consider the complete
27 criminal record of the person who commits such violation,
28 including, but not limited to, the person's prior arrests,
29 referral to pretrial intervention programs, pending criminal
30 cases, and prior convictions, regardless of whether
31 adjudication was withheld.

1 (2) Notwithstanding s. 948.08 or any other law, a
2 person who violates any provision of this chapter may not be
3 referred to a pretrial intervention program for such violation
4 if the person has previously been referred to a pretrial
5 intervention program for any criminal violation.

6 Section 17. Paragraphs (b), (c), (d), and (f) of
7 subsection (3) of section 921.0022, Florida Statutes, are
8 amended to read:

9 921.0022 Criminal Punishment Code; offense severity
10 ranking chart.--

11 (3) OFFENSE SEVERITY RANKING CHART

13 Florida Statute	Felony Degree	Description
		(b) LEVEL 2
18 403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
23 517.07	3rd	Registration of securities and furnishing of prospectus required.
26 590.28(1)	3rd	Willful, malicious, or intentional burning.
28 784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

1	787.04(1)	3rd	In violation of court order,
2			take, entice, etc., minor beyond
3			state limits.
4	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
5			or more to public communication
6			or any other public service.
7	810.09(2)(e)	3rd	Trespassing on posted commerical
8			horticulture property.
9	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
10			more but less than \$5,000.
11	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
12			more but less than \$300, taken
13			from unenclosed curtilage of
14			dwelling.
15	<u>812.015(7)</u>	<u>3rd</u>	<u>Possession, use, or attempted use</u>
16			<u>of an antishoplifting or</u>
17			<u>inventory control device</u>
18			<u>countermeasure.</u>
19	817.234(1)(a)2.	3rd	False statement in support of
20			insurance claim.
21	817.481(3)(a)	3rd	Obtain credit or purchase with
22			false, expired, counterfeit,
23			etc., credit card, value over
24			\$300.
25	817.52(3)	3rd	Failure to redeliver hired
26			vehicle.
27	817.54	3rd	With intent to defraud, obtain
28			mortgage note, etc., by false
29			representation.
30	817.60(5)	3rd	Dealing in credit cards of
31			another.

1	817.60(6)(a)	3rd	Forgery; purchase goods, services
2			with false card.
3	817.61	3rd	Fraudulent use of credit cards
4			over \$100 or more within 6
5			months.
6	826.04	3rd	Knowingly marries or has sexual
7			intercourse with person to whom
8			related.
9	831.01	3rd	Forgery.
10	831.02	3rd	Uttering forged instrument;
11			utters or publishes alteration
12			with intent to defraud.
13	831.07	3rd	Forging bank bills, <u>checks,</u>
14			<u>drafts,</u> or promissory <u>notes</u> note .
15	831.08	3rd	<u>Possessing certain</u> Possession of
16			10 or more forged notes, <u>bills,</u>
17			<u>checks,</u> or <u>drafts</u> .
18	831.09	3rd	Uttering forged <u>notes, bills,</u>
19			<u>checks,</u> or <u>drafts</u> ; passes as bank
20			bill or promissory note .
21	<u>831.11</u>	<u>3rd</u>	<u>Bringing into the state forged</u>
22			<u>bank bills, checks, drafts, or</u>
23			<u>notes</u> .
24	<u>831.12</u>	<u>3rd</u>	<u>Fraudulently connecting parts of</u>
25			<u>genuine instrument</u> .
26	832.05(3)(a)	3rd	Cashing or depositing item with
27			intent to defraud.
28	843.08	3rd	Falsely impersonating an officer.
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31			

1	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
2			(2)(c)1., (2)(c)2., (2)(c)3.,
3			(2)(c)5., (2)(c)6., (2)(c)7.,
4			(2)(c)8., (2)(c)9., (3), or (4)
5			drugs other than cannabis.
6	893.147(2)	3rd	Manufacture or delivery of drug
7			paraphernalia.
8			(c) LEVEL 3
9	316.1935(2)	3rd	Fleeing or attempting to elude
10			law enforcement officer in marked
11			patrol vehicle with siren and
12			lights activated.
13	319.30(4)	3rd	Possession by junkyard of motor
14			vehicle with identification
15			number plate removed.
16	319.33(1)(a)	3rd	Alter or forge any certificate of
17			title to a motor vehicle or
18			mobile home.
19	319.33(1)(c)	3rd	Procure or pass title on stolen
20			vehicle.
21	319.33(4)	3rd	With intent to defraud, possess,
22			sell, etc., a blank, forged, or
23			unlawfully obtained title or
24			registration.
25	328.05(2)	3rd	Possess, sell, or counterfeit
26			fictitious, stolen, or fraudulent
27			titles or bills of sale of
28			vessels.
29	328.07(4)	3rd	Manufacture, exchange, or possess
30			vessel with counterfeit or wrong
31			ID number.

1	376.302(5)	3rd	Fraud related to reimbursement
2			for cleanup expenses under the
3			Inland Protection Trust Fund.
4	501.001(2)(b)	2nd	Tampers with a consumer product
5			or the container using materially
6			false/misleading information.
7	697.08	3rd	Equity skimming.
8	790.15(3)	3rd	Person directs another to
9			discharge firearm from a vehicle.
10	796.05(1)	3rd	Live on earnings of a prostitute.
11	806.10(1)	3rd	Maliciously injure, destroy, or
12			interfere with vehicles or
13			equipment used in firefighting.
14	806.10(2)	3rd	Interferes with or assaults
15			firefighter in performance of
16			duty.
17	810.09(2)(c)	3rd	Trespass on property other than
18			structure or conveyance armed
19			with firearm or dangerous weapon.
20	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
21			less than \$10,000.
22	815.04(4)(b)	2nd	Computer offense devised to
23			defraud or obtain property.
24	817.034(4)(a)3.	3rd	Engages in scheme to defraud
25			(Florida Communications Fraud
26			Act), property valued at less
27			than \$20,000.
28	817.233	3rd	Burning to defraud insurer.
29	828.12(2)	3rd	Tortures any animal with intent
30			to inflict intense pain, serious
31			physical injury, or death.

1	<u>831.28(2)(a)</u>	<u>3rd</u>	<u>Counterfeiting a payment</u>
2			<u>instrument with intent to defraud</u>
3			<u>or possessing a counterfeit</u>
4			<u>payment instrument.</u>
5	831.29	2nd	Possession of instruments for
6			counterfeiting drivers' licenses
7			or identification cards.
8	<u>832.05(5)</u>	<u>2nd</u>	<u>Giving a check, draft, or debit</u>
9			<u>card order in the amount of \$150</u>
10			<u>or more, drawn on a nonexistent</u>
11			<u>account.</u>
12	<u>832.05(6)</u>	<u>3rd</u>	<u>Delivering, or obtaining property</u>
13			<u>or services in return for, a</u>
14			<u>worthless check, draft, or debit</u>
15			<u>card; third or subsequent</u>
16			<u>violation.</u>
17	838.021(3)(b)	3rd	Threatens unlawful harm to public
18			servant.
19	843.19	3rd	Injure, disable, or kill police
20			dog or horse.
21	870.01(2)	3rd	Riot; inciting or encouraging.
22	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
23			cannabis (or other s.
24			893.03(1)(c), (2)(c)1., (2)(c)2.,
25			(2)(c)3., (2)(c)5., (2)(c)6.,
26			(2)(c)7., (2)(c)8., (2)(c)9.,
27			(3), or (4) drugs).
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1	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 200 feet
6			of university or public park.
7	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 200 feet
12			of public housing facility.
13	893.13(6)(a)	3rd	Possession of any controlled
14			substance other than felony
15			possession of cannabis.
16	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
17			controlled substance by fraud,
18			forgery, misrepresentation, etc.
19	893.13(7)(a)11.	3rd	Furnish false or fraudulent
20			material information on any
21			document or record required by
22			chapter 893.
23	918.13(1)(a)	3rd	Alter, destroy, or conceal
24			investigation evidence.
25	944.47		
26	(1)(a)1.-2.	3rd	Introduce contraband to
27			correctional facility.
28	944.47(1)(c)	2nd	Possess contraband while upon the
29			grounds of a correctional
30			institution.
31			

1	985.3141	3rd	Escapes from a juvenile facility
2			(secure detention or residential
3			commitment facility).
4			(d) LEVEL 4
5	316.1935(3)	2nd	Driving at high speed or with
6			wanton disregard for safety while
7			fleeing or attempting to elude
8			law enforcement officer who is in
9			a marked patrol vehicle with
10			siren and lights activated.
11	784.07(2)(b)	3rd	Battery of law enforcement
12			officer, firefighter, intake
13			officer, etc.
14	784.075	3rd	Battery on detention or
15			commitment facility staff.
16	784.08(2)(c)	3rd	Battery on a person 65 years of
17			age or older.
18	784.081(3)	3rd	Battery on specified official or
19			employee.
20	784.082(3)	3rd	Battery by detained person on
21			visitor or other detainee.
22	784.083(3)	3rd	Battery on code inspector.
23	784.085	3rd	Battery of child by throwing,
24			tossing, projecting, or expelling
25			certain fluids or materials.
26	787.03(1)	3rd	Interference with custody;
27			wrongly takes child from
28			appointed guardian.
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1	787.04(2)	3rd	Take, entice, or remove child
2			beyond state limits with criminal
3			intent pending custody
4			proceedings.
5	787.04(3)	3rd	Carrying child beyond state lines
6			with criminal intent to avoid
7			producing child at custody
8			hearing or delivering to
9			designated person.
10	790.115(1)	3rd	Exhibiting firearm or weapon
11			within 1,000 feet of a school.
12	790.115(2)(b)	3rd	Possessing electric weapon or
13			device, destructive device, or
14			other weapon on school property.
15	790.115(2)(c)	3rd	Possessing firearm on school
16			property.
17	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
18			offender less than 18 years.
19	810.02(4)(a)	3rd	Burglary, or attempted burglary,
20			of an unoccupied structure;
21			unarmed; no assault or battery.
22	810.02(4)(b)	3rd	Burglary, or attempted burglary,
23			of an unoccupied conveyance;
24			unarmed; no assault or battery.
25	810.06	3rd	Burglary; possession of tools.
26	810.08(2)(c)	3rd	Trespass on property, armed with
27			firearm or dangerous weapon.
28	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
29			or more but less than \$20,000.
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1	812.014		
2	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
3			firearm, motor vehicle,
4			livestock, etc.
5	<u>812.0195(2)</u>	<u>3rd</u>	<u>Dealing in stolen property by use</u>
6			<u>of the Internet; property stolen</u>
7			<u>\$150 or more.</u>
8	817.563(1)	3rd	Sell or deliver substance other
9			than controlled substance agreed
10			upon, excluding s. 893.03(5)
11			drugs.
12	828.125(1)	2nd	Kill, maim, or cause great bodily
13			harm or permanent breeding
14			disability to any registered
15			horse or cattle.
16	837.02(1)	3rd	Perjury in official proceedings.
17	837.021(1)	3rd	Make contradictory statements in
18			official proceedings.
19	843.021	3rd	Possession of a concealed
20			handcuff key by a person in
21			custody.
22	843.025	3rd	Deprive law enforcement,
23			correctional, or correctional
24			probation officer of means of
25			protection or communication.
26	843.15(1)(a)	3rd	Failure to appear while on bail
27			for felony (bond estreature or
28			bond jumping).
29	874.05(1)	3rd	Encouraging or recruiting another
30			to join a criminal street gang.
31			

1	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
2			893.03(1)(a), (b), or (d),
3			(2)(a), (2)(b), or (2)(c)4.
4			drugs).
5	914.14(2)	3rd	Witnesses accepting bribes.
6	914.22(1)	3rd	Force, threaten, etc., witness,
7			victim, or informant.
8	914.23(2)	3rd	Retaliation against a witness,
9			victim, or informant, no bodily
10			injury.
11	918.12	3rd	Tampering with jurors.
12			(f) LEVEL 6
13	316.027(1)(b)	2nd	Accident involving death, failure
14			to stop; leaving scene.
15	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
16			conviction.
17	775.0875(1)	3rd	Taking firearm from law
18			enforcement officer.
19	775.21(10)	3rd	Sexual predators; failure to
20			register; failure to renew
21			driver's license or
22			identification card.
23	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
24			without intent to kill.
25	784.021(1)(b)	3rd	Aggravated assault; intent to
26			commit felony.
27	784.041	3rd	Felony battery.
28	784.048(3)	3rd	Aggravated stalking; credible
29			threat.
30	784.048(5)	3rd	Aggravated stalking of person
31			under 16.

1	784.07(2)(c)	2nd	Aggravated assault on law
2			enforcement officer.
3	784.08(2)(b)	2nd	Aggravated assault on a person 65
4			years of age or older.
5	784.081(2)	2nd	Aggravated assault on specified
6			official or employee.
7	784.082(2)	2nd	Aggravated assault by detained
8			person on visitor or other
9			detainee.
10	784.083(2)	2nd	Aggravated assault on code
11			inspector.
12	787.02(2)	3rd	False imprisonment; restraining
13			with purpose other than those in
14			s. 787.01.
15	790.115(2)(d)	2nd	Discharging firearm or weapon on
16			school property.
17	790.161(2)	2nd	Make, possess, or throw
18			destructive device with intent to
19			do bodily harm or damage
20			property.
21	790.164(1)	2nd	False report of deadly explosive
22			or act of arson or violence to
23			state property.
24	790.19	2nd	Shooting or throwing deadly
25			missiles into dwellings, vessels,
26			or vehicles.
27	794.011(8)(a)	3rd	Solicitation of minor to
28			participate in sexual activity by
29			custodial adult.
30	794.05(1)	2nd	Unlawful sexual activity with
31			specified minor.

1	800.04(5)(d)	3rd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			less than 18 years.
5	800.04(6)(b)	2nd	Lewd or lascivious conduct;
6			offender 18 years of age or
7			older.
8	806.031(2)	2nd	Arson resulting in great bodily
9			harm to firefighter or any other
10			person.
11	810.02(3)(c)	2nd	Burglary of occupied structure;
12			unarmed; no assault or battery.
13	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
14			but less than \$100,000, grand
15			theft in 2nd degree.
16	<u>812.015(8)</u>	<u>2nd</u>	<u>Retail theft; property stolen</u>
17			<u>\$150 or more and other specified</u>
18			<u>circumstances.</u>
19	812.13(2)(c)	2nd	Robbery, no firearm or other
20			weapon (strong-arm robbery).
21	817.034(4)(a)1.	1st	Communications fraud, value
22			greater than \$50,000.
23	817.4821(5)	2nd	Possess cloning paraphernalia
24			with intent to create cloned
25			cellular telephones.
26	825.102(1)	3rd	Abuse of an elderly person or
27			disabled adult.
28	825.102(3)(c)	3rd	Neglect of an elderly person or
29			disabled adult.
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1	825.1025(3)	3rd	Lewd or lascivious molestation of
2			an elderly person or disabled
3			adult.
4	825.103(2)(c)	3rd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at less than \$20,000.
7	827.03(1)	3rd	Abuse of a child.
8	827.03(3)(c)	3rd	Neglect of a child.
9	827.071(2)&(3)	2nd	Use or induce a child in a sexual
10			performance, or promote or direct
11			such performance.
12	836.05	2nd	Threats; extortion.
13	836.10	2nd	Written threats to kill or do
14			bodily injury.
15	843.12	3rd	Aids or assists person to escape.
16	847.0135(3)	3rd	Solicitation of a child, via a
17			computer service, to commit an
18			unlawful sex act.
19	914.23	2nd	Retaliation against a witness,
20			victim, or informant, with bodily
21			injury.
22	943.0435(9)	3rd	Sex offenders; failure to comply
23			with reporting requirements.
24	944.35(3)(a)2.	3rd	Committing malicious battery upon
25			or inflicting cruel or inhuman
26			treatment on an inmate or
27			offender on community
28			supervision, resulting in great
29			bodily harm.
30	944.40	2nd	Escapes.
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1	944.46	3rd	Harboring, concealing, aiding
2			escaped prisoners.
3	944.47(1)(a)5.	2nd	Introduction of contraband
4			(firearm, weapon, or explosive)
5			into correctional facility.
6	951.22(1)	3rd	Intoxicating drug, firearm, or
7			weapon introduced into county
8			facility.
9	Section 18. Effective July 1, 2002, paragraph (b) of		
10	subsection (3) of section 921.0022, Florida Statutes, as		
11	amended by this act, is amended to read:		
12	921.0022 Criminal Punishment Code; offense severity		
13	ranking chart.--		
14	(3) OFFENSE SEVERITY RANKING CHART		
15			
16	Florida	Felony	
17	Statute	Degree	Description
18			
19			
20			(b) LEVEL 2
21	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
22			lbs. in weight or 100 cubic feet
23			in volume or any quantity for
24			commercial purposes, or hazardous
25			waste.
26	517.07	3rd	Registration of securities and
27			furnishing of prospectus
28			required.
29	590.28(1)	3rd	Willful, malicious, or
30			intentional burning.
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1	784.05(3)	3rd	Storing or leaving a loaded
2			firearm within reach of minor who
3			uses it to inflict injury or
4			death.
5	787.04(1)	3rd	In violation of court order,
6			take, entice, etc., minor beyond
7			state limits.
8	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
9			or more to public communication
10			or any other public service.
11	810.09(2)(e)	3rd	Trespassing on posted commercial
12			horticulture property.
13	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; <u>\$150</u>
14			\$300 or more but less than
15			\$5,000.
16	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
17			more but less than \$300, taken
18			from unenclosed curtilage of
19			dwelling.
20	812.015(7)	3rd	Possession, use, or attempted use
21			of an antishoplifting or
22			inventory control device
23			countermeasure.
24	817.234(1)(a)2.	3rd	False statement in support of
25			insurance claim.
26	817.481(3)(a)	3rd	Obtain credit or purchase with
27			false, expired, counterfeit,
28			etc., credit card, value over
29			\$300.
30	817.52(3)	3rd	Failure to redeliver hired
31			vehicle.

1	817.54	3rd	With intent to defraud, obtain
2			mortgage note, etc., by false
3			representation.
4	817.60(5)	3rd	Dealing in credit cards of
5			another.
6	817.60(6)(a)	3rd	Forgery; purchase goods, services
7			with false card.
8	817.61	3rd	Fraudulent use of credit cards
9			over \$100 or more within 6
10			months.
11	826.04	3rd	Knowingly marries or has sexual
12			intercourse with person to whom
13			related.
14	831.01	3rd	Forgery.
15	831.02	3rd	Uttering forged instrument;
16			utters or publishes alteration
17			with intent to defraud.
18	831.07	3rd	Forging bank bills, checks,
19			drafts, or promissory notes.
20	831.08	3rd	Possessing certain forged notes,
21			bills, checks, or drafts.
22	831.09	3rd	Uttering forged notes, bills,
23			checks, or drafts.
24	831.11	3rd	Bringing into the state forged
25			bank bills, checks, drafts, or
26			notes.
27	831.12	3rd	Fraudulently connecting parts of
28			genuine instrument.
29	832.05(3)(a)	3rd	Cashing or depositing item with
30			intent to defraud.
31	843.08	3rd	Falsely impersonating an officer.

1 893.13(2)(a)2. 3rd Purchase of any s. 893.03(1)(c),
2 (2)(c)1., (2)(c)2., (2)(c)3.,
3 (2)(c)5., (2)(c)6., (2)(c)7.,
4 (2)(c)8., (2)(c)9., (3), or (4)
5 drugs other than cannabis.
6 893.147(2) 3rd Manufacture or delivery of drug
7 paraphernalia.

8 Section 19. Local task force on retail crime.--The
9 Legislature encourages local law enforcement agencies to
10 establish a task force on retail crime. The task force should
11 act as an advisory body to study the problem of retail crime
12 and develop recommendations for handling retail crime and
13 theft in an expeditious and uniform manner. The task force
14 should submit its recommendations to the sheriff or chief
15 officer of the local law enforcement agency, the state
16 attorney, and the chief judge of the judicial circuit. The
17 sheriff or chief officer of the local law enforcement agency
18 should appoint the members of the task force. A majority of
19 the membership of the task force should consist of persons
20 actively engaged in a retail business or employees of persons
21 actively engaged in a retail business. The task force should
22 terminate existence upon completing its assignment.

23 Section 20. If any provision of this act or the
24 applications thereof to any person or circumstance is held
25 invalid, the invalidity does not affect other provisions or
26 applications of the act which can be given effect without the
27 invalid provision or application, and to this end the
28 provisions of this act are declared severable.

29 Section 21. Except as otherwise expressly provided in
30 this act, this act shall take effect July 1, 2001.

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HOUSE SUMMARY

Decreases from \$300 to \$150 the value of stolen property which constitutes the offense of grand theft. Requires the Department of Law Enforcement to conduct a media campaign to increase the public's awareness of such change in the law. Increases the penalty for unlawfully possessing antishoplifting or inventory control device countermeasures. Requires that the court order a person's driver's license to be suspended following an adjudication of guilt for certain misdemeanor violations involving retail theft. Provides penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise. Prohibits dealing in stolen property by use of the Internet. Requires the court to consider a person's complete criminal record in sentencing that person for certain property crimes. Prohibits certain activities involving counterfeiting checks, drafts, and other payment instruments. See bill for details.