

By Senator Burt

16-433-01

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. 877.26, F.S.,  
28 relating to the offense of observing or  
29 videotaping customers in a dressing room;  
30 prohibiting the surreptitious observation or  
31 use of visual surveillance by a merchant;

1           amending s. 921.0022, F.S., relating to the  
2           offense severity ranking chart of the Criminal  
3           Punishment Code; conforming provisions to  
4           changes made by the act; encouraging local law  
5           enforcement agencies to establish a task force  
6           on retail crime; providing direction on the  
7           composition and operation of such a task force;  
8           providing for severability; providing effective  
9           dates.

10

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

12

13           Section 1. Effective July 1, 2002, subsections (1) and  
14 (2) of section 812.014, Florida Statutes, are amended to read:

15           812.014 Theft.--

16           (1) A person commits theft if he or she knowingly  
17 obtains or uses, or endeavors to obtain or to use, the  
18 property of another with intent to, either temporarily or  
19 permanently:

20           (a) Deprive the other person of a right to the  
21 property or a benefit from the property.

22           (b) Appropriate the property to his or her own use or  
23 to the use of any person not entitled to the use of the  
24 property.

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

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

28           a. In the course of committing the offense the  
29 offender uses a motor vehicle as an instrumentality, other  
30 than merely as a getaway vehicle, to assist in committing the  
31 offense and thereby damages the real property of another; or

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

4  
5 the offender commits grand theft in the first degree,  
6 punishable as a felony of the first degree, as provided in s.  
7 775.082, s. 775.083, or s. 775.084.

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

12           (c) It is grand theft of the third degree and a felony  
13 of the third degree, punishable as provided in s. 775.082, s.  
14 775.083, or s. 775.084, if the property stolen is:

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

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

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

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

19           5. A firearm.

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

21 (2)(a).

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

28           8. Any fire extinguisher.

29           9. Any amount of citrus fruit consisting of 2,000 or  
30 more individual pieces of fruit.

31

1           10. Taken from a designated construction site  
2 identified by the posting of a sign as provided for in s.  
3 810.09(2)(d).

4           11. Any stop sign.

5           (d) It is grand theft of the third degree and a felony  
6 of the third degree, punishable as provided in s. 775.082, s.  
7 775.083, or s. 775.084, if the property stolen is valued at  
8 \$100 or more, but less than \$300, and is taken from a dwelling  
9 as defined in s. 810.011(2) or from the unenclosed curtilage  
10 of a dwelling pursuant to s. 810.09(1).

11           (e) Except as provided in paragraph (d), if the  
12 property stolen is valued at ~~\$100 or more, but less than \$150~~  
13 ~~\$300~~, the offender commits petit theft of the first degree,  
14 punishable as a misdemeanor of the first degree, as provided  
15 in s. 775.082 or s. 775.083.

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

26           Section 3. Section 812.015, Florida Statutes, is  
27 amended to read:

28           812.015 Retail and farm theft; transit fare evasion;  
29 mandatory fine; alternative punishment; detention and arrest;  
30 exemption from liability for false arrest; resisting arrest;  
31 penalties.--

1 (1) As used in this section:

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

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

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

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

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

28 (f) "Farmer" means a person who is engaging in the  
29 growing or producing of farm produce, milk products, eggs, or  
30 meat, either part time or full time, for personal consumption  
31 or for sale and who is the owner or lessee of the land or a

1 person designated in writing by the owner or lessee to act as  
2 her or his agent. No person defined as a farm labor contractor  
3 pursuant to s. 450.28 shall be designated to act as an agent  
4 for purposes of this section.

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

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

16 (i) "Antishoplifting or inventory control device  
17 countermeasure" means any item or device which is used,  
18 designed, manufactured, modified, or altered to defeat any  
19 antishoplifting or inventory control device.

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

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



1           (1) "Transit agency" means any state agency, political  
2 subdivision of the state, or municipality which operates mass  
3 transit vehicles.

4           (m) "Trespass" means the violation as described in s.  
5 810.08.

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

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

1 custody, a law enforcement officer shall be called to the  
2 scene immediately after the person has been taken into  
3 custody.

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

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

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

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

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

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

1 merchant's employee, farmer, or a transit agency's employee or  
2 agent. For purposes of this section the charge of theft and  
3 the charge of resisting may be tried concurrently.

4 (7) It is unlawful to possess, or use or attempt to  
5 use, any antishoplifting or inventory control device  
6 countermeasure within any premises used for the retail  
7 purchase or sale of any merchandise. Any person who possesses  
8 any antishoplifting or inventory control device countermeasure  
9 within any premises used for the retail purchase or sale of  
10 any merchandise commits a felony ~~misdemeanor~~ of the third  
11 ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.  
12 775.083, or s. 775.084. Any person who uses or attempts to  
13 use any antishoplifting or inventory control device  
14 countermeasure within any premises used for the retail  
15 purchase or sale of any merchandise commits a felony of the  
16 third degree, punishable as provided in s. 775.082, s.  
17 775.083, or s. 775.084.

18 (8) If a person commits retail theft, it is a felony  
19 of the second degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084, if the property stolen is valued at  
21 \$150 or more, and the person:

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

27 (b) Commits theft from more than one location within a  
28 48-hour period, in which case the amount of each individual  
29 theft is aggregated to determine the value of the property  
30 stolen.

31

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

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

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

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

17       Section 4. Section 812.0155, Florida Statutes, is  
18 created to read:

19       812.0155 Suspension of driver's license following an  
20 adjudication of guilt for retail theft.--

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

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

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

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

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

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

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

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

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

30           (c) If the person is ineligible by reason of age for a  
31 driver's license or driving privilege, the court shall direct

1 the department to withhold issuance of the person's driver's  
2 license or driving privilege for not less than 6 months and  
3 not more than 1 year after the date on which the person would  
4 otherwise become eligible.

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

8 Section 5. Section 812.017, Florida Statutes, is  
9 created to read:

10 812.017 Use of a fraudulently obtained or false  
11 receipt.--

12 (1) Any person who requests a refund of merchandise,  
13 money, or any other thing of value through the use of a  
14 fraudulently obtained receipt or false receipt commits a  
15 misdemeanor of the second degree, punishable as provided in s.  
16 775.082 or s. 775.083.

17 (2) Any person who obtains merchandise, money, or any  
18 other thing of value through the use of a fraudulently  
19 obtained receipt or false receipt commits a misdemeanor of the  
20 first degree, punishable as provided in s. 775.082 or s.  
21 775.083.

22 Section 6. Section 812.0195, Florida Statutes, is  
23 created to read:

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

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

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.

31

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 arranging to manufacture a payment  
7 instrument, as defined in s. 560.103, without the permission  
8 of the financial institution, account holder, or organization  
9 whose name, routing number, or account number appears on the  
10 payment instrument, or the manufacture of any payment  
11 instrument with a fictitious name, routing number, or account  
12 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. Section 877.26, Florida Statutes, is  
7 amended to read:

8           877.26 Surreptitious ~~Direct~~ observation, videotaping,  
9 or visual surveillance of customers in merchant's dressing  
10 room, etc., prohibited; penalties.--

11           (1) It is unlawful for any merchant to surreptitiously  
12 ~~directly~~ observe or make use of video cameras or other visual  
13 surveillance devices to observe or record customers in the  
14 merchant's dressing room, fitting room, changing room, or  
15 restroom when such room provides a reasonable expectation of  
16 privacy. As used in this subsection, the term "merchant" means  
17 an owner or operator, or the agent, consignee, employee,  
18 lessee, or officer of an owner or operator, of any premises or  
19 apparatus used for retail purchase or sale of any merchandise.

20           (2) Any merchant who violates subsection (1) is guilty  
21 of a misdemeanor of the first degree, punishable as provided  
22 in s. 775.082 or s. 775.083.

23           Section 18. Paragraphs (b), (c), (d), and (f) of  
24 subsection (3) of section 921.0022, Florida Statutes, are  
25 amended to read:

26           921.0022 Criminal Punishment Code; offense severity  
27 ranking chart.--

28           (3) OFFENSE SEVERITY RANKING CHART  
29  
30  
31

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			
5			(b) LEVEL 2
6	403.413(5)(c)	3rd	Dumps waste litter exceeding 500
7			lbs. in weight or 100 cubic feet
8			in volume or any quantity for
9			commercial purposes, or hazardous
10			waste.
11	517.07	3rd	Registration of securities and
12			furnishing of prospectus
13			required.
14	590.28(1)	3rd	Willful, malicious, or
15			intentional burning.
16	784.05(3)	3rd	Storing or leaving a loaded
17			firearm within reach of minor who
18			uses it to inflict injury or
19			death.
20	787.04(1)	3rd	In violation of court order,
21			take, entice, etc., minor beyond
22			state limits.
23	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
24			or more to public communication
25			or any other public service.
26	810.09(2)(e)	3rd	Trespassing on posted commercial
27			horticulture property.
28	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
29			more but less than \$5,000.
30			
31			

1	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
2			more but less than \$300, taken
3			from unenclosed curtilage of
4			dwelling.
5	<u>812.015(7)</u>	<u>3rd</u>	<u>Possession, use, or attempted use</u>
6			<u>of an antishoplifting or</u>
7			<u>inventory control device</u>
8			<u>countermeasure.</u>
9	817.234(1)(a)2.	3rd	False statement in support of
10			insurance claim.
11	817.481(3)(a)	3rd	Obtain credit or purchase with
12			false, expired, counterfeit,
13			etc., credit card, value over
14			\$300.
15	817.52(3)	3rd	Failure to redeliver hired
16			vehicle.
17	817.54	3rd	With intent to defraud, obtain
18			mortgage note, etc., by false
19			representation.
20	817.60(5)	3rd	Dealing in credit cards of
21			another.
22	817.60(6)(a)	3rd	Forgery; purchase goods, services
23			with false card.
24	817.61	3rd	Fraudulent use of credit cards
25			over \$100 or more within 6
26			months.
27	826.04	3rd	Knowingly marries or has sexual
28			intercourse with person to whom
29			related.
30	831.01	3rd	Forgery.
31			

1	831.02	3rd	Uttering forged instrument;
2			utters or publishes alteration
3			with intent to defraud.
4	831.07	3rd	Forging bank bills, <u>checks,</u>
5			<u>drafts,</u> or promissory <u>notes</u> <del>note</del> .
6	831.08	3rd	<u>Possessing certain</u> <del>Possession of</del>
7			<del>10 or more</del> forged notes, <u>bills,</u>
8			<u>checks,</u> or <u>drafts</u> .
9	831.09	3rd	Uttering forged <u>notes,</u> <u>bills,</u>
10			<u>checks,</u> or <u>drafts</u> ; <del>passes as bank</del>
11			<del>bill or promissory note</del> .
12	<u>831.11</u>	<u>3rd</u>	<u>Bringing into the state forged</u>
13			<u>bank bills, checks, drafts, or</u>
14			<u>notes</u> .
15	<u>831.12</u>	<u>3rd</u>	<u>Fraudulently connecting parts of</u>
16			<u>genuine instrument</u> .
17	832.05(3)(a)	3rd	Cashing or depositing item with
18			intent to defraud.
19	843.08	3rd	Falsely impersonating an officer.
20	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
21			(2)(c)1., (2)(c)2., (2)(c)3.,
22			(2)(c)5., (2)(c)6., (2)(c)7.,
23			(2)(c)8., (2)(c)9., (3), or (4)
24			drugs other than cannabis.
25	893.147(2)	3rd	Manufacture or delivery of drug
26			paraphernalia.
27			(c) LEVEL 3
28	316.1935(2)	3rd	Fleeing or attempting to elude
29			law enforcement officer in marked
30			patrol vehicle with siren and
31			lights activated.

1	319.30(4)	3rd	Possession by junkyard of motor
2			vehicle with identification
3			number plate removed.
4	319.33(1)(a)	3rd	Alter or forge any certificate of
5			title to a motor vehicle or
6			mobile home.
7	319.33(1)(c)	3rd	Procure or pass title on stolen
8			vehicle.
9	319.33(4)	3rd	With intent to defraud, possess,
10			sell, etc., a blank, forged, or
11			unlawfully obtained title or
12			registration.
13	328.05(2)	3rd	Possess, sell, or counterfeit
14			fictitious, stolen, or fraudulent
15			titles or bills of sale of
16			vessels.
17	328.07(4)	3rd	Manufacture, exchange, or possess
18			vessel with counterfeit or wrong
19			ID number.
20	376.302(5)	3rd	Fraud related to reimbursement
21			for cleanup expenses under the
22			Inland Protection Trust Fund.
23	501.001(2)(b)	2nd	Tampers with a consumer product
24			or the container using materially
25			false/misleading information.
26	697.08	3rd	Equity skimming.
27	790.15(3)	3rd	Person directs another to
28			discharge firearm from a vehicle.
29	796.05(1)	3rd	Live on earnings of a prostitute.
30			
31			

1	806.10(1)	3rd	Maliciously injure, destroy, or
2			interfere with vehicles or
3			equipment used in firefighting.
4	806.10(2)	3rd	Interferes with or assaults
5			firefighter in performance of
6			duty.
7	810.09(2)(c)	3rd	Trespass on property other than
8			structure or conveyance armed
9			with firearm or dangerous weapon.
10	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
11			less than \$10,000.
12	815.04(4)(b)	2nd	Computer offense devised to
13			defraud or obtain property.
14	817.034(4)(a)3.	3rd	Engages in scheme to defraud
15			(Florida Communications Fraud
16			Act), property valued at less
17			than \$20,000.
18	817.233	3rd	Burning to defraud insurer.
19	828.12(2)	3rd	Tortures any animal with intent
20			to inflict intense pain, serious
21			physical injury, or death.
22	<u>831.28(2)(a)</u>	<u>3rd</u>	<u>Counterfeiting a payment</u>
23			<u>instrument with intent to defraud</u>
24			<u>or possessing a counterfeit</u>
25			<u>payment instrument.</u>
26	831.29	2nd	Possession of instruments for
27			counterfeiting drivers' licenses
28			or identification cards.
29			
30			
31			

1	<u>832.05(5)</u>	<u>2nd</u>	<u>Giving a check, draft, or debit</u>
2			<u>card order in the amount of \$150</u>
3			<u>or more, drawn on a nonexistent</u>
4			<u>account.</u>
5	<u>832.05(6)</u>	<u>3rd</u>	<u>Delivering, or obtaining property</u>
6			<u>or services in return for, a</u>
7			<u>worthless check, draft, or debit</u>
8			<u>card; third or subsequent</u>
9			<u>violation.</u>
10	838.021(3)(b)	3rd	Threatens unlawful harm to public
11			servant.
12	843.19	3rd	Injure, disable, or kill police
13			dog or horse.
14	870.01(2)	3rd	Riot; inciting or encouraging.
15	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
16			cannabis (or other s.
17			893.03(1)(c), (2)(c)1., (2)(c)2.,
18			(2)(c)3., (2)(c)5., (2)(c)6.,
19			(2)(c)7., (2)(c)8., (2)(c)9.,
20			(3), or (4) drugs).
21	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
22			893.03(1)(c), (2)(c)1., (2)(c)2.,
23			(2)(c)3., (2)(c)5., (2)(c)6.,
24			(2)(c)7., (2)(c)8., (2)(c)9.,
25			(3), or (4) drugs within 200 feet
26			of university or public park.
27			
28			
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1	893.13(1)(f)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 public housing facility.
7	893.13(6)(a)	3rd	Possession of any controlled
8			substance other than felony
9			possession of cannabis.
10	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
11			controlled substance by fraud,
12			forgery, misrepresentation, etc.
13	893.13(7)(a)11.	3rd	Furnish false or fraudulent
14			material information on any
15			document or record required by
16			chapter 893.
17	918.13(1)(a)	3rd	Alter, destroy, or conceal
18			investigation evidence.
19	944.47		
20	(1)(a)1.-2.	3rd	Introduce contraband to
21			correctional facility.
22	944.47(1)(c)	2nd	Possess contraband while upon the
23			grounds of a correctional
24			institution.
25	985.3141	3rd	Escapes from a juvenile facility
26			(secure detention or residential
27			commitment facility).
28			(d) LEVEL 4
29			
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1	316.1935(3)	2nd	Driving at high speed or with
2			wanton disregard for safety while
3			fleeing or attempting to elude
4			law enforcement officer who is in
5			a marked patrol vehicle with
6			siren and lights activated.
7	784.07(2)(b)	3rd	Battery of law enforcement
8			officer, firefighter, intake
9			officer, etc.
10	784.075	3rd	Battery on detention or
11			commitment facility staff.
12	784.08(2)(c)	3rd	Battery on a person 65 years of
13			age or older.
14	784.081(3)	3rd	Battery on specified official or
15			employee.
16	784.082(3)	3rd	Battery by detained person on
17			visitor or other detainee.
18	784.083(3)	3rd	Battery on code inspector.
19	784.085	3rd	Battery of child by throwing,
20			tossing, projecting, or expelling
21			certain fluids or materials.
22	787.03(1)	3rd	Interference with custody;
23			wrongly takes child from
24			appointed guardian.
25	787.04(2)	3rd	Take, entice, or remove child
26			beyond state limits with criminal
27			intent pending custody
28			proceedings.
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1	787.04(3)	3rd	Carrying child beyond state lines
2			with criminal intent to avoid
3			producing child at custody
4			hearing or delivering to
5			designated person.
6	790.115(1)	3rd	Exhibiting firearm or weapon
7			within 1,000 feet of a school.
8	790.115(2)(b)	3rd	Possessing electric weapon or
9			device, destructive device, or
10			other weapon on school property.
11	790.115(2)(c)	3rd	Possessing firearm on school
12			property.
13	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
14			offender less than 18 years.
15	810.02(4)(a)	3rd	Burglary, or attempted burglary,
16			of an unoccupied structure;
17			unarmed; no assault or battery.
18	810.02(4)(b)	3rd	Burglary, or attempted burglary,
19			of an unoccupied conveyance;
20			unarmed; no assault or battery.
21	810.06	3rd	Burglary; possession of tools.
22	810.08(2)(c)	3rd	Trespass on property, armed with
23			firearm or dangerous weapon.
24	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
25			or more but less than \$20,000.
26	812.014		
27	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
28			firearm, motor vehicle,
29			livestock, etc.
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1	<u>812.0195(2)</u>	<u>3rd</u>	<u>Dealing in stolen property by use</u>
2			<u>of the Internet; property stolen</u>
3			<u>\$150 or more.</u>
4	817.563(1)	3rd	Sell or deliver substance other
5			than controlled substance agreed
6			upon, excluding s. 893.03(5)
7			drugs.
8	828.125(1)	2nd	Kill, maim, or cause great bodily
9			harm or permanent breeding
10			disability to any registered
11			horse or cattle.
12	837.02(1)	3rd	Perjury in official proceedings.
13	837.021(1)	3rd	Make contradictory statements in
14			official proceedings.
15	843.021	3rd	Possession of a concealed
16			handcuff key by a person in
17			custody.
18	843.025	3rd	Deprive law enforcement,
19			correctional, or correctional
20			probation officer of means of
21			protection or communication.
22	843.15(1)(a)	3rd	Failure to appear while on bail
23			for felony (bond estreature or
24			bond jumping).
25	874.05(1)	3rd	Encouraging or recruiting another
26			to join a criminal street gang.
27	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
28			893.03(1)(a), (b), or (d),
29			(2)(a), (2)(b), or (2)(c)4.
30			drugs).
31	914.14(2)	3rd	Witnesses accepting bribes.

1	914.22(1)	3rd	Force, threaten, etc., witness,
2			victim, or informant.
3	914.23(2)	3rd	Retaliation against a witness,
4			victim, or informant, no bodily
5			injury.
6	918.12	3rd	Tampering with jurors.
7			(f) LEVEL 6
8	316.027(1)(b)	2nd	Accident involving death, failure
9			to stop; leaving scene.
10	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
11			conviction.
12	775.0875(1)	3rd	Taking firearm from law
13			enforcement officer.
14	775.21(10)	3rd	Sexual predators; failure to
15			register; failure to renew
16			driver's license or
17			identification card.
18	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
19			without intent to kill.
20	784.021(1)(b)	3rd	Aggravated assault; intent to
21			commit felony.
22	784.041	3rd	Felony battery.
23	784.048(3)	3rd	Aggravated stalking; credible
24			threat.
25	784.048(5)	3rd	Aggravated stalking of person
26			under 16.
27	784.07(2)(c)	2nd	Aggravated assault on law
28			enforcement officer.
29	784.08(2)(b)	2nd	Aggravated assault on a person 65
30			years of age or older.
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1	784.081(2)	2nd	Aggravated assault on specified
2			official or employee.
3	784.082(2)	2nd	Aggravated assault by detained
4			person on visitor or other
5			detainee.
6	784.083(2)	2nd	Aggravated assault on code
7			inspector.
8	787.02(2)	3rd	False imprisonment; restraining
9			with purpose other than those in
10			s. 787.01.
11	790.115(2)(d)	2nd	Discharging firearm or weapon on
12			school property.
13	790.161(2)	2nd	Make, possess, or throw
14			destructive device with intent to
15			do bodily harm or damage
16			property.
17	790.164(1)	2nd	False report of deadly explosive
18			or act of arson or violence to
19			state property.
20	790.19	2nd	Shooting or throwing deadly
21			missiles into dwellings, vessels,
22			or vehicles.
23	794.011(8)(a)	3rd	Solicitation of minor to
24			participate in sexual activity by
25			custodial adult.
26	794.05(1)	2nd	Unlawful sexual activity with
27			specified minor.
28	800.04(5)(d)	3rd	Lewd or lascivious molestation;
29			victim 12 years of age or older
30			but less than 16 years; offender
31			less than 18 years.

1	800.04(6)(b)	2nd	Lewd or lascivious conduct;
2			offender 18 years of age or
3			older.
4	806.031(2)	2nd	Arson resulting in great bodily
5			harm to firefighter or any other
6			person.
7	810.02(3)(c)	2nd	Burglary of occupied structure;
8			unarmed; no assault or battery.
9	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
10			but less than \$100,000, grand
11			theft in 2nd degree.
12	<u>812.015(8)</u>	<u>2nd</u>	<u>Retail theft; property stolen</u>
13			<u>\$150 or more and other specified</u>
14			<u>circumstances.</u>
15	812.13(2)(c)	2nd	Robbery, no firearm or other
16			weapon (strong-arm robbery).
17	817.034(4)(a)1.	1st	Communications fraud, value
18			greater than \$50,000.
19	817.4821(5)	2nd	Possess cloning paraphernalia
20			with intent to create cloned
21			cellular telephones.
22	825.102(1)	3rd	Abuse of an elderly person or
23			disabled adult.
24	825.102(3)(c)	3rd	Neglect of an elderly person or
25			disabled adult.
26	825.1025(3)	3rd	Lewd or lascivious molestation of
27			an elderly person or disabled
28			adult.
29	825.103(2)(c)	3rd	Exploiting an elderly person or
30			disabled adult and property is
31			valued at less than \$20,000.

1	827.03(1)	3rd	Abuse of a child.
2	827.03(3)(c)	3rd	Neglect of a child.
3	827.071(2)&(3)	2nd	Use or induce a child in a sexual
4			performance, or promote or direct
5			such performance.
6	836.05	2nd	Threats; extortion.
7	836.10	2nd	Written threats to kill or do
8			bodily injury.
9	843.12	3rd	Aids or assists person to escape.
10	847.0135(3)	3rd	Solicitation of a child, via a
11			computer service, to commit an
12			unlawful sex act.
13	914.23	2nd	Retaliation against a witness,
14			victim, or informant, with bodily
15			injury.
16	943.0435(9)	3rd	Sex offenders; failure to comply
17			with reporting requirements.
18	944.35(3)(a)2.	3rd	Committing malicious battery upon
19			or inflicting cruel or inhuman
20			treatment on an inmate or
21			offender on community
22			supervision, resulting in great
23			bodily harm.
24	944.40	2nd	Escapes.
25	944.46	3rd	Harboring, concealing, aiding
26			escaped prisoners.
27	944.47(1)(a)5.	2nd	Introduction of contraband
28			(firearm, weapon, or explosive)
29			into correctional facility.
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1 951.22(1) 3rd Intoxicating drug, firearm, or  
2 weapon introduced into county  
3 facility.

4 Section 19. Effective July 1, 2002, paragraph (b) of  
5 subsection (3) of section 921.0022, Florida Statutes, as  
6 amended by this act, is amended to read:

7 921.0022 Criminal Punishment Code; offense severity  
8 ranking chart.--

9 (3) OFFENSE SEVERITY RANKING CHART

10

11 Florida	Felony	
12 Statute	Degree	Description

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15 (b) LEVEL 2

16 403.413(5)(c)	3rd	Dumps waste litter exceeding 500 17 lbs. in weight or 100 cubic feet 18 in volume or any quantity for 19 commercial purposes, or hazardous 20 waste.
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21 517.07	3rd	Registration of securities and 22 furnishing of prospectus 23 required.
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24 590.28(1)	3rd	Willful, malicious, or 25 intentional burning.
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26 784.05(3)	3rd	Storing or leaving a loaded 27 firearm within reach of minor who 28 uses it to inflict injury or 29 death.
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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; <u>\$150</u>
10			<del>\$300</del> or more but less than
11			\$5,000.
12	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
13			more but less than \$300, taken
14			from unenclosed curtilage of
15			dwelling.
16	812.015(7)	3rd	Possession, use, or attempted use
17			of an antishoplifting or
18			inventory control device
19			countermeasure.
20	817.234(1)(a)2.	3rd	False statement in support of
21			insurance claim.
22	817.481(3)(a)	3rd	Obtain credit or purchase with
23			false, expired, counterfeit,
24			etc., credit card, value over
25			\$300.
26	817.52(3)	3rd	Failure to redeliver hired
27			vehicle.
28	817.54	3rd	With intent to defraud, obtain
29			mortgage note, etc., by false
30			representation.
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1	817.60(5)	3rd	Dealing in credit cards of
2			another.
3	817.60(6)(a)	3rd	Forgery; purchase goods, services
4			with false card.
5	817.61	3rd	Fraudulent use of credit cards
6			over \$100 or more within 6
7			months.
8	826.04	3rd	Knowingly marries or has sexual
9			intercourse with person to whom
10			related.
11	831.01	3rd	Forgery.
12	831.02	3rd	Uttering forged instrument;
13			utters or publishes alteration
14			with intent to defraud.
15	831.07	3rd	Forging bank bills, checks,
16			drafts, or promissory notes.
17	831.08	3rd	Possessing certain forged notes,
18			bills, checks, or drafts.
19	831.09	3rd	Uttering forged notes, bills,
20			checks, or drafts.
21	831.11	3rd	Bringing into the state forged
22			bank bills, checks, drafts, or
23			notes.
24	831.12	3rd	Fraudulently connecting parts of
25			genuine instrument.
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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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 20. 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 21. 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 22. Except as otherwise expressly provided in  
30 this act, this act shall take effect July 1, 2001.

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SENATE 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. Prohibits a merchant from surreptitiously using visual surveillance. (See bill for details.)