

By the Committee on Criminal Justice and Senators Burt and Horne

307-1700-01

1 A bill to be entitled
2 An act relating to property crimes; amending s.
3 812.015, F.S.; defining the term "merchant's
4 employee" to include private security guards;
5 redefining the term "retail theft" to include
6 theft of property and altering or removing a
7 universal product code; redefining the term
8 "antishoplifting or inventory control device"
9 to include film used for security purposes and
10 cash register receipts; redefining the term
11 "antishoplifting or inventory control device
12 countermeasure" to include any item or device
13 used to defeat an antishoplifting or inventory
14 control device; authorizing a merchant or
15 merchant's employee to provide a business
16 address for purposes of any investigation with
17 respect to the offense of retail theft;
18 increasing the penalty for unlawfully
19 possessing antishoplifting or inventory control
20 device countermeasures; providing that it is a
21 second-degree felony to commit certain types of
22 retail theft; creating s. 812.0155, F.S.;
23 requiring that the court order a person's
24 driver's license to be suspended following an
25 adjudication of guilt for certain misdemeanor
26 violations involving retail theft; providing
27 for an increased period of suspension for a
28 second or subsequent adjudication; authorizing
29 the court to revoke, suspend, or withhold
30 issuance of a minor's driver's license as an
31 alternative to certain other sanctions;

1 creating s. 812.017, F.S.; providing penalties
2 for the use of a fraudulently obtained or false
3 receipt to request a refund or obtain
4 merchandise; creating s. 812.0195, F.S.;
5 providing penalties for dealing in stolen
6 property by use of the Internet; creating s.
7 817.625, F.S.; providing definitions;
8 prohibiting the use of a scanning device to
9 access, read, obtain, memorize, or store
10 information encoded on a payment card without
11 the permission of, and with intent to defraud,
12 the authorized user of the payment card;
13 prohibiting the use of a reencoder to place
14 information onto a payment card without the
15 permission of, and with intent to defraud, the
16 authorized user of the payment card; providing
17 a penalty; providing an enhanced penalty for a
18 second or subsequent violation of the act;
19 amending ss. 831.07, 831.08, 831.09, F.S.;
20 prohibiting forging a check or draft or
21 possessing or passing a forged check or draft;
22 providing penalties; reenacting s. 831.10,
23 F.S., relating to a second conviction of
24 uttering forged bills, to incorporate the
25 amendment to s. 831.09, F.S., in references
26 thereto; amending s. 831.11, F.S.; prohibiting
27 bringing a forged or counterfeit check or draft
28 into the state; providing a penalty; amending
29 s. 831.12, F.S.; providing that connecting
30 together checks or drafts to produce an
31 additional check or draft constitutes the

1 offense of forgery; creating s. 831.28, F.S.;
2 providing a definition; prohibiting the
3 counterfeiting of payment instruments with
4 intent to defraud; prohibiting the possession
5 of a counterfeit payment instrument; providing
6 penalties; specifying acts that constitute
7 prima facie evidence of intent to defraud;
8 authorizing a law enforcement agency to produce
9 or display a counterfeit payment instrument for
10 training purposes; amending s. 832.05, F.S.,
11 relating to worthless checks, drafts, or debit
12 card orders; providing that prior passing of a
13 worthless check or draft is not notice to the
14 payee of insufficient funds to ensure payment
15 of a subsequent check or draft; providing
16 penalties for the offense of drawing a check,
17 draft, or other order on a nonexistent account
18 or closed account; providing penalties for a
19 third or subsequent violation; amending s.
20 877.26, F.S., relating to the offense of
21 observing or videotaping customers in a
22 dressing room; prohibiting the surreptitious
23 direct observation or use of visual
24 surveillance by a merchant; amending s.
25 921.0022, F.S., relating to the offense
26 severity ranking chart of the Criminal
27 Punishment Code; conforming provisions to
28 changes made by the act; encouraging local law
29 enforcement agencies to establish a task force
30 on retail crime; providing direction on the
31 composition and operation of such a task force;

1 providing for severability; providing an
2 effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 812.015, Florida Statutes, is
7 amended to read:

8 812.015 Retail and farm theft; transit fare evasion;
9 mandatory fine; alternative punishment; detention and arrest;
10 exemption from liability for false arrest; resisting arrest;
11 penalties.--

12 (1) As used in this section:

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

16 (b) "Merchant" means an owner or operator, or the
17 agent, consignee, employee, lessee, or officer of an owner or
18 operator, of any premises or apparatus used for retail
19 purchase or sale of any merchandise. The term "merchant's
20 employee" includes a private security guard employed or
21 contracted by one or more merchants or by a shopping center,
22 shopping mall, or other business establishment.

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

27 (d) "Retail theft" means the taking possession of or
28 carrying away of merchandise, property, money, or negotiable
29 documents; altering or removing a label, universal product
30 code, or price tag; transferring merchandise from one
31 container to another; or removing a shopping cart, with intent

1 to deprive the merchant of possession, use, benefit, or full
2 retail value.

3 (e) "Farm produce" means livestock or any item grown,
4 produced, or manufactured by a person owning, renting, or
5 leasing land for the purpose of growing, producing, or
6 manufacturing items for sale or personal use, either part time
7 or full time.

8 (f) "Farmer" means a person who is engaging in the
9 growing or producing of farm produce, milk products, eggs, or
10 meat, either part time or full time, for personal consumption
11 or for sale and who is the owner or lessee of the land or a
12 person designated in writing by the owner or lessee to act as
13 her or his agent. No person defined as a farm labor contractor
14 pursuant to s. 450.28 shall be designated to act as an agent
15 for purposes of this section.

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

19 (h) "Antishoplifting or inventory control device"
20 means a mechanism or other device designed and operated for
21 the purpose of detecting the removal from a mercantile
22 establishment or similar enclosure, or from a protected area
23 within such an enclosure, of specially marked or tagged
24 merchandise. The term includes any video recording or other
25 film used for security purposes and the cash register tape or
26 other record made of the register receipt.

27 (i) "Antishoplifting or inventory control device
28 countermeasure" means any item or device which is used,
29 designed, manufactured, modified, or altered to defeat any
30 antishoplifting or inventory control device.

31

1 (j) "Transit fare evasion" means the unlawful refusal
2 to pay the appropriate fare for transportation upon a mass
3 transit vehicle, or to evade the payment of such fare, or to
4 enter any mass transit vehicle or facility by any door,
5 passageway, or gate, except as provided for the entry of
6 fare-paying passengers, and shall constitute petit theft as
7 proscribed by this chapter.

8 (k) "Mass transit vehicle" means buses, rail cars, or
9 fixed-guideway mover systems operated by, or under contract
10 to, state agencies, political subdivisions of the state, or
11 municipalities for the transportation of fare-paying
12 passengers.

13 (l) "Transit agency" means any state agency, political
14 subdivision of the state, or municipality which operates mass
15 transit vehicles.

16 (m) "Trespass" means the violation as described in s.
17 810.08.

18 (2) Upon a second or subsequent conviction for petit
19 theft from a merchant, farmer, or transit agency, the offender
20 shall be punished as provided in s. 812.014(3), except that
21 the court shall impose a fine of not less than \$50 or more
22 than \$1,000. However, in lieu of such fine, the court may
23 require the offender to perform public services designated by
24 the court. In no event shall any such offender be required to
25 perform fewer than the number of hours of public service
26 necessary to satisfy the fine assessed by the court, as
27 provided by this subsection, at the minimum wage prevailing in
28 the state at the time of sentencing.

29 (3)(a) A law enforcement officer, a merchant, a
30 farmer, or a transit agency's employee or agent, who has
31 probable cause to believe that a retail theft, farm theft, a

1 transit fare evasion, or trespass, or unlawful use or
2 attempted use of any antishoplifting or inventory control
3 device countermeasure, has been committed by a person and, in
4 the case of retail or farm theft, that the property can be
5 recovered by taking the offender into custody may, for the
6 purpose of attempting to effect such recovery or for
7 prosecution, take the offender into custody and detain the
8 offender in a reasonable manner for a reasonable length of
9 time. In the case of a farmer, taking into custody shall be
10 effectuated only on property owned or leased by the farmer.
11 In the event the merchant, merchant's employee, farmer, or a
12 transit agency's employee or agent takes the person into
13 custody, a law enforcement officer shall be called to the
14 scene immediately after the person has been taken into
15 custody.

16 (b) The activation of an antishoplifting or inventory
17 control device as a result of a person exiting an
18 establishment or a protected area within an establishment
19 shall constitute reasonable cause for the detention of the
20 person so exiting by the owner or operator of the
21 establishment or by an agent or employee of the owner or
22 operator, provided sufficient notice has been posted to advise
23 the patrons that such a device is being utilized. Each such
24 detention shall be made only in a reasonable manner and only
25 for a reasonable period of time sufficient for any inquiry
26 into the circumstances surrounding the activation of the
27 device.

28 (c) The taking into custody and detention by a law
29 enforcement officer, merchant, merchant's employee, farmer, or
30 a transit agency's employee or agent, if done in compliance
31 with all the requirements of this subsection, shall not render

1 such law enforcement officer, merchant, merchant's employee,
2 farmer, or a transit agency's employee or agent, criminally or
3 civilly liable for false arrest, false imprisonment, or
4 unlawful detention.

5 (4) Any law enforcement officer may arrest, either on
6 or off the premises and without warrant, any person the
7 officer has probable cause to believe unlawfully possesses, or
8 is unlawfully using or attempting to use or has used or
9 attempted to use, any antishoplifting or inventory control
10 device countermeasure or has committed theft in a retail or
11 wholesale establishment or on commercial or private farm lands
12 of a farmer or transit fare evasion or trespass.

13 (5)(a) A merchant, merchant's employee, farmer, or a
14 transit agency's employee or agent who takes a person into
15 custody, as provided in subsection (3), or who causes an
16 arrest, as provided in subsection (4), of a person for retail
17 theft, farm theft, transit fare evasion, or trespass shall not
18 be criminally or civilly liable for false arrest or false
19 imprisonment when the merchant, merchant's employee, farmer,
20 or a transit agency's employee or agent has probable cause to
21 believe that the person committed retail theft, farm theft,
22 transit fare evasion, or trespass.

23 (b) If a merchant or merchant's employee takes a
24 person into custody as provided in this section, or acts as a
25 witness with respect to any person taken into custody as
26 provided in this section, the merchant or merchant's employee
27 may provide his or her business address rather than home
28 address to any investigating law enforcement officer.

29 (6) An individual who, while committing or after
30 committing theft of property, transit fare evasion, or
31 trespass, resists the reasonable effort of a law enforcement

1 officer, merchant, merchant's employee, farmer, or a transit
2 agency's employee or agent to recover the property or cause
3 the individual to pay the proper transit fare or vacate the
4 transit facility which the law enforcement officer, merchant,
5 merchant's employee, farmer, or a transit agency's employee or
6 agent had probable cause to believe the individual had
7 concealed or removed from its place of display or elsewhere or
8 perpetrated a transit fare evasion or trespass commits a
9 misdemeanor of the first degree, punishable as provided in s.
10 775.082 or s. 775.083, unless the individual did not know, or
11 did not have reason to know, that the person seeking to
12 recover the property was a law enforcement officer, merchant,
13 merchant's employee, farmer, or a transit agency's employee or
14 agent. For purposes of this section the charge of theft and
15 the charge of resisting may be tried concurrently.

16 (7) It is unlawful to possess, or use or attempt to
17 use, any antishoplifting or inventory control device
18 countermeasure within any premises used for the retail
19 purchase or sale of any merchandise. Any person who possesses
20 any antishoplifting or inventory control device countermeasure
21 within any premises used for the retail purchase or sale of
22 any merchandise commits a felony ~~misdemeanor~~ of the third
23 ~~first~~ degree, punishable as provided in s. 775.082, ~~or s.~~
24 775.083, or s. 775.084. Any person who uses or attempts to
25 use any antishoplifting or inventory control device
26 countermeasure within any premises used for the retail
27 purchase or sale of any merchandise commits a felony of the
28 third degree, punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084.

30 (8) If a person commits retail theft, it is a felony
31 of the second degree, punishable as provided in s. 775.082, s.

1 775.083, or s. 775.084, if the property stolen is valued at
2 \$150 or more, and the person:
3 (a) Individually, or in concert with one or more other
4 persons, coordinates the activities of one or more individuals
5 in committing the offense, in which case the amount of each
6 individual theft is aggregated to determine the value of the
7 property stolen.
8 (b) Commits theft from more than one location within a
9 48-hour period, in which case the amount of each individual
10 theft is aggregated to determine the value of the property
11 stolen.
12 (c) Acts in concert with one or more other individuals
13 within one or more establishments to distract the merchant,
14 merchant's employee, or law enforcement officer in order to
15 carry out the offense, or act in other ways to coordinate
16 efforts to carry out the offense.
17 (d) Unlawfully possesses a controlled substance or
18 drug paraphernalia at the time of the offense.
19 (e) Commits the offense through the purchase of
20 merchandise in a package or box that contains merchandise
21 other than, or in addition to, the merchandise purported to be
22 contained in the package or box.
23 (f) Resists with violence efforts by the merchant,
24 merchant's employee, or law enforcement officer to detain the
25 offender. As used in this paragraph, the term "violence"
26 includes, but is not limited to, the use of a gun, knife, or
27 other weapon or the use of physical force.
28 Section 2. Section 812.0155, Florida Statutes, is
29 created to read:
30 812.0155 Suspension of driver's license following an
31 adjudication of guilt for retail theft.--

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

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

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

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

16 (a) Probation as defined in s. 985.03 or commitment to
17 the Department of Juvenile Justice, if the person is
18 adjudicated delinquent for such violation and has not
19 previously been convicted of or adjudicated delinquent for any
20 criminal offense, regardless of whether adjudication was
21 withheld.

22 (b) Probation as defined in s. 985.03, commitment to
23 the Department of Juvenile Justice, probation as defined in s.
24 948.01, community control, or incarceration, if the person is
25 convicted as an adult of such violation and has not previously
26 been convicted of or adjudicated delinquent for any criminal
27 offense, regardless of whether adjudication was withheld.

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

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

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

10 (c) If the person is ineligible by reason of age for a
11 driver's license or driving privilege, the court shall direct
12 the department to withhold issuance of the person's driver's
13 license or driving privilege for not less than 6 months and
14 not more than 1 year after the date on which the person would
15 otherwise become eligible.

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

19 Section 3. Section 812.017, Florida Statutes, is
20 created to read:

21 812.017 Use of a fraudulently obtained or false
22 receipt.--

23 (1) Any person who requests a refund of merchandise,
24 money, or any other thing of value through the use of a
25 fraudulently obtained receipt or false receipt commits a
26 misdemeanor of the second degree, punishable as provided in s.
27 775.082 or s. 775.083.

28 (2) Any person who obtains merchandise, money, or any
29 other thing of value through the use of a fraudulently
30 obtained receipt or false receipt commits a misdemeanor of the
31

1 first degree, punishable as provided in s. 775.082 or s.
2 775.083.

3 Section 4. Section 812.0195, Florida Statutes, is
4 created to read:

5 812.0195 Dealing in stolen property by use of the
6 Internet.--Any person in this state who uses the Internet to
7 sell or offer for sale any merchandise or other property that
8 the person knows, or has reasonable cause to believe, is
9 stolen commits:

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

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

16 Section 5. Section 817.625, Florida Statutes, is
17 created to read:

18 817.625 Use of scanning device or reencoder to
19 defraud; penalties.--

20 (1) As used in this section, the term:

21 (a) "Scanning device" means a scanner, reader, or any
22 other electronic device that is used to access, read, scan,
23 obtain, memorize, or store, temporarily or permanently,
24 information encoded on the magnetic strip or stripe of a
25 payment card.

26 (b) "Reencoder" means an electronic device that places
27 encoded information from the magnetic strip or stripe of a
28 payment card onto the magnetic strip or stripe of a different
29 payment card.

30 (c) "Payment card" means a credit card, charge card,
31 debit card, or any other card that is issued to an authorized

1 card user and that allows the user to obtain, purchase, or
2 receive goods, services, money, or anything else of value from
3 a merchant.

4 (d) "Merchant" means a person who receives from an
5 authorized user of a payment card, or someone the person
6 believes to be an authorized user, a payment card or
7 information from a payment card, or what the person believes
8 to be a payment card or information from a payment card, as
9 the instrument for obtaining, purchasing, or receiving goods,
10 services, money, or anything else of value from the person.

11 (2)(a) It is a felony of the third degree, punishable
12 as provided in s. 775.082, s. 775.083, or s. 775.084, for a
13 person to use:

14 1. A scanning device to access, read, obtain,
15 memorize, or store, temporarily or permanently, information
16 encoded on the magnetic strip or stripe of a payment card
17 without the permission of the authorized user of the payment
18 card and with the intent to defraud the authorized user.

19 2. A reencoder to place information encoded on the
20 magnetic strip or stripe of a payment card onto the magnetic
21 strip or stripe of a different card without the permission of
22 the authorized user of the card from which the information is
23 being reencoded and with the intent to defraud the authorized
24 user.

25 (b) Any person who violates subparagraph (a)1. or
26 subparagraph (a)2. a second or subsequent time commits a
27 felony of the second degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 6. Section 831.07, Florida Statutes, is
30 amended to read:

31

1 831.07 Forging bank bills, checks, drafts, or
2 promissory notes.--Whoever falsely makes, alters, forges or
3 counterfeits a bank bill, check, draft, or promissory note
4 payable to the bearer thereof, or to the order of any person,
5 issued by an incorporated banking company established in this
6 state, or within the United States, or any foreign province,
7 state, or government, with intent to injure any person,
8 commits ~~shall be guilty of~~ a felony of the third degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084.

11 Section 7. Section 831.08, Florida Statutes, is
12 amended to read:

13 831.08 Possessing certain forged notes, or bills,
14 checks, or drafts.--Whoever has in his or her possession 10 or
15 more similar false, altered, forged, or counterfeit notes,
16 bills of credit, bank bills, checks, drafts, or notes, such as
17 are mentioned in any of the preceding sections of this
18 chapter, payable to the bearer thereof or to the order of any
19 person, knowing the same to be false, altered, forged, or
20 counterfeit, with intent to utter and pass the same as true,
21 and thereby to injure or defraud any person, commits ~~shall be~~
22 ~~guilty of~~ a felony of the third degree, punishable as provided
23 in s. 775.082, s. 775.083, or s. 775.084.

24 Section 8. Section 831.09, Florida Statutes, is
25 amended to read:

26 831.09 Uttering forged bills, checks, drafts, or
27 notes.--Whoever utters or passes or tenders in payment as
28 true, any such false, altered, forged, or counterfeit note, or
29 any bank bill, check, draft, or promissory note, payable to
30 the bearer thereof or to the order of any person, issued as
31 aforesaid, knowing the same to be false, altered, forged, or

1 counterfeit, with intent to injure or defraud any person,
2 commits ~~shall be guilty of~~ a felony of the third degree,
3 punishable as provided in s. 775.082, s. 775.083, or s.
4 775.084.

5 Section 9. For the purpose of incorporating the
6 amendments made by this act to section 831.09, Florida
7 Statutes, in references thereto, section 831.10, Florida
8 Statutes, is reenacted to read:

9 831.10 Second conviction of uttering forged
10 bills.--Whoever, having been convicted of the offense
11 mentioned in s. 831.09 is again convicted of the like offense
12 committed after the former conviction, and whoever is at the
13 same term of the court convicted upon three distinct charges
14 of such offense, shall be deemed a common utterer of
15 counterfeit bills, and shall be punished as provided in s.
16 775.084.

17 Section 10. Section 831.11, Florida Statutes, is
18 amended to read:

19 831.11 Bringing into the state forged bank bills,
20 checks, drafts, or notes.--Whoever brings into this state or
21 has in his or her possession a false, forged, or counterfeit
22 bill, check, draft, or note in the similitude of the bills or
23 notes payable to the bearer thereof or to the order of any
24 person issued by or for any bank or banking company
25 established in this state, or within the United States, or any
26 foreign province, state or government, with intent to utter
27 and pass the same or to render the same current as true,
28 knowing the same to be false, forged, or counterfeit, commits
29 ~~shall be guilty of~~ a felony of the third degree, punishable as
30 provided in s. 775.082, s. 775.083, or s. 775.084.

31

1 Section 11. Section 831.12, Florida Statutes, is
2 amended to read:

3 831.12 Fraudulently connecting parts of genuine
4 instrument.--Whoever fraudulently connects together parts of
5 several banknotes, checks, drafts, or other genuine
6 instruments in such a manner as to produce one additional
7 note, check, draft, or instrument, with intent to pass all of
8 them as genuine, commits ~~shall be deemed guilty of~~ forgery in
9 ~~like manner~~ as if each of them had been falsely made or
10 forged.

11 Section 12. Section 831.28, Florida Statutes, is
12 created to read:

13 831.28 Counterfeiting a payment instrument; possessing
14 a counterfeit payment instrument; penalties.--

15 (1) As used in this section, the term "counterfeit"
16 means the manufacture of or arranging to manufacture a payment
17 instrument, as defined in s. 560.103, without the permission
18 of the financial institution, account holder, or organization
19 whose name, routing number, or account number appears on the
20 payment instrument, or the manufacture of any payment
21 instrument with a fictitious name, routing number, or account
22 number.

23 (2)(a) It is unlawful to counterfeit a payment
24 instrument with the intent to defraud a financial institution,
25 account holder, or any other person or organization or for a
26 person to have any counterfeit payment instrument in such
27 person's possession. Any person who violates this subsection
28 commits a felony of the third degree, punishable as provided
29 in s. 775.082, s. 775.083, or s. 775.084.

30 (b) The printing of a payment instrument in the name
31 of a person or entity or with the routing number or account

1 number of a person or entity without the permission of the
2 person or entity to manufacture or reproduce such payment
3 instrument with such name, routing number, or account number
4 is prima facie evidence of intent to defraud.

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

8 Section 13. Section 832.05, Florida Statutes, is
9 amended to read:

10 832.05 Giving worthless checks, drafts, and debit card
11 orders; penalty; duty of drawee; evidence; costs; complaint
12 form.--

13 (1) PURPOSE.--The purpose of this section is to remedy
14 the evil of giving checks, drafts, bills of exchange, debit
15 card orders, and other orders on banks without first providing
16 funds in or credit with the depositories on which the same are
17 made or drawn to pay and satisfy the same, which tends to
18 create the circulation of worthless checks, drafts, bills of
19 exchange, debit card orders, and other orders on banks, bad
20 banking, check kiting, and a mischief to trade and commerce.

21 (2) WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS;
22 PENALTY.--

23 (a) It is unlawful for any person, firm, or
24 corporation to draw, make, utter, issue, or deliver to another
25 any check, draft, or other written order on any bank or
26 depository, or to use a debit card, for the payment of money
27 or its equivalent, knowing at the time of the drawing, making,
28 uttering, issuing, or delivering such check or draft, or at
29 the time of using such debit card, that the maker or drawer
30 thereof has not sufficient funds on deposit in or credit with
31 such bank or depository with which to pay the same on

1 presentation; except that this section does not apply to any
2 check when the payee or holder knows or has been expressly
3 notified prior to the drawing or uttering of the check, or has
4 reason to believe, that the drawer did not have on deposit or
5 to the drawer's credit with the drawee sufficient funds to
6 ensure payment as aforesaid, nor does this section apply to
7 any postdated check.

8 (b) A violation of the provisions of this subsection
9 constitutes a misdemeanor of the first degree, punishable as
10 provided in s. 775.082 or s. 775.083, unless the check, draft,
11 debit card order, or other written order drawn, made, uttered,
12 issued, or delivered is in the amount of \$150, or its
13 equivalent, or more and the payee or a subsequent holder
14 thereof receives something of value therefor. In that event,
15 the violation constitutes a felony of the third degree,
16 punishable as provided in s. 775.082, s. 775.083, or s.
17 775.084.

18 (3) CASHING OR DEPOSITING ITEM WITH INTENT TO DEFRAUD;
19 PENALTY.--

20 (a) It is unlawful for any person, by act or common
21 scheme, to cash or deposit any item, as defined in s.
22 674.104(1)(i), in any bank or depository with intent to
23 defraud.

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

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

29 (a) It is unlawful for any person, firm, or
30 corporation to obtain any services, goods, wares, or other
31 things of value by means of a check, draft, or other written

1 order upon any bank, person, firm, or corporation, knowing at
2 the time of the making, drawing, uttering, issuing, or
3 delivering of such check or draft that the maker thereof has
4 not sufficient funds on deposit in or credit with such bank or
5 depository with which to pay the same upon presentation.
6 However, no crime may be charged in respect to the giving of
7 any such check or draft or other written order when the payee
8 knows, has been expressly notified, or has reason to believe
9 that the drawer did not have on deposit or to the drawer's
10 credit with the drawee sufficient funds to ensure payment
11 thereof. A payee does not have reason to believe a payor does
12 not have sufficient funds to ensure payment of a check solely
13 because the payor has previously issued a worthless check to
14 him or her.

15 (b) It is unlawful for any person to use a debit card
16 to obtain money, goods, services, or anything else of value
17 knowing at the time of such use that he or she does not have
18 sufficient funds on deposit with which to pay for the same or
19 that the value thereof exceeds the amount of credit which is
20 available to him or her through an overdraft financing
21 agreement or prearranged line of credit which is accessible by
22 the use of the card.

23 (c) A violation of the provisions of this subsection,
24 if the check, draft, other written order, or debit card order
25 is for an amount less than \$150 or its equivalent, constitutes
26 a misdemeanor of the first degree, punishable as provided in
27 s. 775.082 or s. 775.083. A violation of the provisions of
28 this subsection, if the check, draft, other written order, or
29 debit card order is in the amount of \$150, or its equivalent,
30 or more, constitutes a felony of the third degree, punishable
31 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

3 (a) A person, firm, or corporation may not draw, make,
4 utter, issue, or deliver to another any check, draft, or debit
5 card order for the payment of money or its equivalent, knowing
6 at the time of the drawing, making, uttering, issuing, or
7 delivering of such check, draft, or debit card order that the
8 check, draft, or order is drawn on a bank or depository in
9 which the maker or drawer has no account or a closed account.

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

11 1. A misdemeanor of the first degree, punishable as
12 provided in s. 775.082 or s. 775.083, if the amount of the
13 check, draft, or debit card order is for an amount less than
14 \$150.

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

19 (6) THIRD OR SUBSEQUENT VIOLATION.--Any person who
20 violates subsection (2) or subsection (4) for a third or
21 subsequent time by drawing, making, uttering, issuing, or
22 delivering a check, draft, or debit card order in the amount
23 of \$150 or more commits a felony of the second degree,
24 punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084.

26 (7)(5) PAYMENT NO DEFENSE.--Payment of a dishonored
27 check, draft, bill of exchange, or other order does not
28 constitute a defense or ground for dismissal of charges
29 brought under this section.

30 (8)(6) "CREDIT," "DEBIT CARD" DEFINED.--
31

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

5 (b) As used in this section, the term "debit card"
6 means a card, code, or other device, other than a check,
7 draft, or similar paper instrument, by the use of which a
8 person may order, instruct, or authorize a financial
9 institution to debit a demand deposit, savings deposit, or
10 other asset account.

11 (9)~~(7)~~ REASON FOR DISHONOR, DUTY OF DRAWEE.--It is the
12 duty of the drawee of any check, draft, or other written
13 order, before refusing to pay the same to the holder thereof
14 upon presentation, to cause to be written, printed, or stamped
15 in plain language thereon or attached thereto the reason for
16 the drawee's dishonor or refusal to pay it. In any
17 prosecution under this section, the introduction in evidence
18 of any unpaid and dishonored check, draft, or other written
19 order having the drawee's refusal to pay stamped or written
20 thereon or attached thereto, with the reason therefor as
21 aforesaid, is prima facie evidence of the making or uttering
22 of such check, draft, or other written order, of the due
23 presentation to the drawee for payment and the dishonor
24 thereof, and that the same was properly dishonored for the
25 reasons written, stamped, or attached by the drawee on such
26 dishonored check, draft, or other written order. As against
27 the maker or drawer thereof, the withdrawing from deposit with
28 the drawee named in the check, draft, or other written order
29 of the funds on deposit with such drawee necessary to ensure
30 payment of such check, draft, or other written order upon
31 presentation within a reasonable time after negotiation or the

1 drawing, making, uttering, or delivering of a check, draft, or
2 written order, payment of which is refused by the drawee, is
3 prima facie evidence of knowledge of insufficient funds in or
4 credit with such drawee. However, if it is determined at the
5 trial in a prosecution hereunder that the payee of any such
6 check, draft, or written order, at the time of accepting such
7 check, draft, or written order, had knowledge of or reason to
8 believe that the drawer of such check, draft, or other written
9 order did not have sufficient funds on deposit in or credit
10 with such drawee, then the payee instituting such criminal
11 prosecution shall be assessed all costs of court incurred in
12 connection with such prosecution.

13 (10)~~(8)~~ COSTS.--When a prosecution is initiated under
14 this section before any committing magistrate, the party
15 applying for the warrant shall be held liable for costs
16 accruing in the event the case is dismissed for want of
17 prosecution. No costs shall be charged to the county in such
18 dismissed cases.

19 (11)~~(9)~~ STATE ATTORNEYS; WORTHLESS CHECKS; FORM OF
20 COMPLAINT.--The state attorneys of Florida shall collectively
21 promulgate a single form to be used in all judicial circuits
22 by persons reporting a violation of this chapter.

23 (12) CONSTRUCTION; PAYEE OR HOLDER; INSUFFICIENT
24 FUNDS.--For purposes of construction of this section, a payee
25 or holder does not have knowledge, express notification, or
26 reason to believe that the maker or drawer has insufficient
27 funds to ensure payment of a check, draft, or debit card
28 solely because the maker or drawer has previously drawn or
29 issued a worthless check, draft, or debit card order to the
30 payee or holder.

31

1 Section 14. Section 877.26, Florida Statutes, is
2 amended to read:

3 877.26 Surreptitious ~~Direct~~ observation, videotaping,
4 or visual surveillance of customers in merchant's dressing
5 room, etc., prohibited; penalties.--

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

15 (2) For purposes of this section, a merchant or
16 merchant's employee does not surreptitiously and directly
17 observe a customer if the customer knows or has reason to be
18 aware of the presence of the merchant or merchant's employee
19 in the merchant's dressing room, fitting room, changing room,
20 or restroom, even when such room provides a reasonable
21 expectation of privacy.

22 ~~(3)(2)~~ Any merchant who violates subsection (1) is
23 guilty of a misdemeanor of the first degree, punishable as
24 provided in s. 775.082 or s. 775.083.

25 Section 15. Paragraphs (b), (c), (d), (e), and (f) of
26 subsection (3) of section 921.0022, Florida Statutes, are
27 amended to read:

28 921.0022 Criminal Punishment Code; offense severity
29 ranking chart.--

30 (3) OFFENSE SEVERITY RANKING CHART
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> note .
6	831.08	3rd	<u>Possessing certain</u> Possession of
7			10 or more 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> ; passes as bank
11			bill or promissory note .
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	832.05(3)(a)	3rd	Cashing or depositing item with
16			intent to defraud.
17	843.08	3rd	Falsely impersonating an officer.
18	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
19			(2)(c)1., (2)(c)2., (2)(c)3.,
20			(2)(c)5., (2)(c)6., (2)(c)7.,
21			(2)(c)8., (2)(c)9., (3), or (4)
22			drugs other than cannabis.
23	893.147(2)	3rd	Manufacture or delivery of drug
24			paraphernalia.
25			(c) LEVEL 3
26	316.1935(2)	3rd	Fleeing or attempting to elude
27			law enforcement officer in marked
28			patrol vehicle with siren and
29			lights activated.
30			
31			

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			
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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>2nd</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			
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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
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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.
29			
30			
31			

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.
30			
31			

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	<u>817.625(2)(a)</u>	<u>3rd</u>	<u>Fraudulent use of scanning device</u>
9			<u>or reencoder.</u>
10	828.125(1)	2nd	Kill, maim, or cause great bodily
11			harm or permanent breeding
12			disability to any registered
13			horse or cattle.
14	837.02(1)	3rd	Perjury in official proceedings.
15	837.021(1)	3rd	Make contradictory statements in
16			official proceedings.
17	843.021	3rd	Possession of a concealed
18			handcuff key by a person in
19			custody.
20	843.025	3rd	Deprive law enforcement,
21			correctional, or correctional
22			probation officer of means of
23			protection or communication.
24	843.15(1)(a)	3rd	Failure to appear while on bail
25			for felony (bond estreature or
26			bond jumping).
27	874.05(1)	3rd	Encouraging or recruiting another
28			to join a criminal street gang.
29			
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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			(e) LEVEL 5
13	316.027(1)(a)	3rd	Accidents involving personal
14			injuries, failure to stop;
15			leaving scene.
16	316.1935(4)	2nd	Aggravated fleeing or eluding.
17	322.34(6)	3rd	Careless operation of motor
18			vehicle with suspended license,
19			resulting in death or serious
20			bodily injury.
21	327.30(5)	3rd	Vessel accidents involving
22			personal injury; leaving scene.
23	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
24			knowing HIV positive.
25	790.01(2)	3rd	Carrying a concealed firearm.
26	790.162	2nd	Threat to throw or discharge
27			destructive device.
28	790.163	2nd	False report of deadly explosive.
29	790.165(2)	3rd	Manufacture, sell, possess, or
30			deliver hoax bomb.
31			

1	790.221(1)	2nd	Possession of short-barreled
2			shotgun or machine gun.
3	790.23	2nd	Felons in possession of firearms
4			or electronic weapons or devices.
5	800.04(6)(c)	3rd	Lewd or lascivious conduct;
6			offender less than 18 years.
7	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
8			offender 18 years or older.
9	806.111(1)	3rd	Possess, manufacture, or dispense
10			fire bomb with intent to damage
11			any structure or property.
12	812.019(1)	2nd	Stolen property; dealing in or
13			trafficking in.
14	812.131(2)(b)	3rd	Robbery by sudden snatching.
15	812.16(2)	3rd	Owning, operating, or conducting
16			a chop shop.
17	817.034(4)(a)2.	2nd	Communications fraud, value
18			\$20,000 to \$50,000.
19	<u>817.625(2)(b)</u>	<u>2nd</u>	<u>Second or subsequent fraudulent</u>
20			<u>use of scanning device or</u>
21			<u>reencoder.</u>
22	825.1025(4)	3rd	Lewd or lascivious exhibition in
23			the presence of an elderly person
24			or disabled adult.
25	827.071(4)	2nd	Possess with intent to promote
26			any photographic material, motion
27			picture, etc., which includes
28			sexual conduct by a child.
29	843.01	3rd	Resist officer with violence to
30			person; resist arrest with
31			violence.

1	874.05(2)	2nd	Encouraging or recruiting another
2			to join a criminal street gang;
3			second or subsequent offense.
4	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
5			cocaine (or other s.
6			893.03(1)(a), (1)(b), (1)(d),
7			(2)(a), (2)(b), or (2)(c)4.
8			drugs).
9	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
10			cannabis (or other s.
11			893.03(1)(c), (2)(c)1., (2)(c)2.,
12			(2)(c)3., (2)(c)5., (2)(c)6.,
13			(2)(c)7., (2)(c)8., (2)(c)9.,
14			(3), or (4) drugs) within 1,000
15			feet of a child care facility or
16			school.
17	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
18			cocaine (or other s.
19			893.03(1)(a), (1)(b), (1)(d),
20			(2)(a), (2)(b), or (2)(c)4.
21			drugs) within 200 feet of
22			university or public park.
23	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
24			cannabis or other drug prohibited
25			under s. 893.03(1)(c), (2)(c)1.,
26			(2)(c)2., (2)(c)3., (2)(c)5.,
27			(2)(c)6., (2)(c)7., (2)(c)8.,
28			(2)(c)9., (3), or (4) within
29			1,000 feet of property used for
30			religious services or a specified
31			business site.

1	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d), or
4			(2)(a), (2)(b), or (2)(c)4.
5			drugs) within 200 feet of public
6			housing facility.
7	893.13(4)(b)	2nd	Deliver to minor cannabis (or
8			other s. 893.03(1)(c), (2)(c)1.,
9			(2)(c)2., (2)(c)3., (2)(c)5.,
10			(2)(c)6., (2)(c)7., (2)(c)8.,
11			(2)(c)9., (3), or (4) drugs).
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 16. Local task force on retail crime.--The
10 Legislature encourages local law enforcement agencies to
11 establish a task force on retail crime. The task force should
12 act as an advisory body to study the problem of retail crime
13 and develop recommendations for handling retail crime and
14 theft in an expeditious and uniform manner. The task force
15 should submit its recommendations to the sheriff or chief
16 officer of the local law enforcement agency, the state
17 attorney, and the chief judge of the judicial circuit. The
18 sheriff or chief officer of the local law enforcement agency
19 should appoint the members of the task force. A majority of
20 the membership of the task force should consist of persons
21 actively engaged in a retail business or employees of persons
22 actively engaged in a retail business. The task force should
23 terminate existence upon completing its assignment.

24 Section 17. If any provision of this act or the
25 applications thereof to any person or circumstance is held
26 invalid, the invalidity does not affect other provisions or
27 applications of the act which can be given effect without the
28 invalid provision or application, and to this end the
29 provisions of this act are declared severable.

30 Section 18. This act shall take effect July 1, 2001.
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1282
4 - Removes amendments to theft statute.
5 - Removes requirement to conduct public information
6 campaign.
7 - Creates felony offenses for fraudulent use of a scanning
8 device or a reencoder.
9 - Removes provisions requiring courts to review complete
10 criminal history records.
11 - Removes provisions excluding certain offenders from
12 pretrial intervention.
13 - Clarifies meaning of surreptitiously and directly
14 observing in the context of a merchant or merchant's
15 employee surreptitiously and directly observing a
16 customer in certain places.
17 - Amends effective date so entire act takes effect July 1,
18 2001.
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