

By the Committees on Commerce and Economic Opportunities;
Criminal Justice; and Senators Burt and Horne

310-1891-01

1 A bill to be entitled
2 An act relating to property crimes; amending s.
3 812.014, F.S.; providing second-degree-felony
4 penalties for theft of certain emergency
5 medical equipment; amending s. 812.015, F.S.;
6 redefining the term "retail theft" to include
7 theft of property and altering or removing a
8 universal product code; redefining the term
9 "antishoplifting or inventory control device"
10 to include electronic or digital imaging or
11 film used for security purposes and cash
12 register receipts; redefining the term
13 "antishoplifting or inventory control device
14 countermeasure" to include any item or device
15 used to defeat an antishoplifting or inventory
16 control device; authorizing a merchant or
17 merchant's employee to provide a business
18 address for purposes of any investigation with
19 respect to the offense of retail theft;
20 increasing the penalty for unlawfully
21 possessing antishoplifting or inventory control
22 device countermeasures; providing that it is a
23 third-degree felony to commit certain types of
24 retail theft; creating s. 812.0155, F.S.;
25 authorizing the court to order that a person's
26 driver's license be suspended following an
27 adjudication of guilt for certain misdemeanor
28 violations involving theft; requiring that the
29 court order that a person's driver's license be
30 suspended following a second or subsequent
31 adjudication of guilt for certain misdemeanor

1 | violations involving theft; providing for an
2 | increased period of suspension for a second or
3 | subsequent adjudication; authorizing the court
4 | to revoke, suspend, or withhold issuance of a
5 | minor's driver's license as an alternative to
6 | certain other sanctions; creating s. 812.017,
7 | F.S.; providing penalties for the use of a
8 | fraudulently obtained or false receipt to
9 | request a refund or obtain merchandise;
10 | creating s. 812.0195, F.S.; providing penalties
11 | for dealing in stolen property by use of the
12 | Internet; creating s. 817.625, F.S.; providing
13 | definitions; prohibiting the use of a scanning
14 | device to access, read, obtain, memorize, or
15 | store information encoded on a payment card
16 | without the permission of the authorized user
17 | of the payment card and with intent to defraud
18 | certain individuals or entities; prohibiting
19 | the use of a reencoder to place information
20 | onto a payment card without the permission of
21 | the authorized user of the payment card and
22 | with intent to defraud certain individuals or
23 | entities; providing a penalty; providing an
24 | enhanced penalty for a second or subsequent
25 | violation of the act; subjecting certain
26 | violations to the Florida Contraband Forfeiture
27 | Act; amending ss. 831.07, 831.08, 831.09, F.S.;
28 | prohibiting forging a check or draft or
29 | possessing or passing a forged check or draft;
30 | providing penalties; reenacting s. 831.10,
31 | F.S., relating to a second conviction of

1 uttering forged bills, to incorporate the
2 amendment to s. 831.09, F.S., in references
3 thereto; amending s. 831.11, F.S.; prohibiting
4 bringing a forged or counterfeit check or draft
5 into the state; providing a penalty; amending
6 s. 831.12, F.S.; providing that connecting
7 together checks or drafts to produce an
8 additional check or draft constitutes the
9 offense of forgery; creating s. 831.28, F.S.;
10 providing a definition; prohibiting the
11 counterfeiting of payment instruments with
12 intent to defraud; prohibiting the possession
13 of a counterfeit payment instrument; providing
14 penalties; specifying acts that constitute
15 prima facie evidence of intent to defraud;
16 authorizing a law enforcement agency to produce
17 or display a counterfeit payment instrument for
18 training purposes; amending s. 832.05, F.S.,
19 relating to worthless checks, drafts, or debit
20 card orders; providing that prior passing of a
21 worthless check or draft is not notice to the
22 payee of insufficient funds to ensure payment
23 of a subsequent check or draft; amending s.
24 921.0022, F.S., relating to the offense
25 severity ranking chart of the Criminal
26 Punishment Code; conforming provisions to
27 changes made by the act; encouraging local law
28 enforcement agencies to establish a task force
29 on retail crime; providing direction on the
30 composition and operation of such a task force;
31

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. Paragraph (b) of subsection (2) of section
7 812.014, Florida Statutes, is amended to read:

8 812.014 Theft.--

9 (2)

10 (b)1. If the property stolen is valued at \$20,000 or
11 more, but less than \$100,000; or

12 2. The property stolen is emergency medical equipment
13 valued at \$300 or more which is taken from a facility licensed
14 under chapter 395 or from an aircraft or vehicle permitted
15 under chapter 401,

16
17 the offender commits grand theft in the second degree,
18 punishable as a felony of the second degree, as provided in s.
19 775.082, s. 775.083, or s. 775.084. As used in this paragraph,
20 the term "emergency medical equipment" means mechanical or
21 electronic apparatus used to provide emergency services and
22 care as defined in s. 395.002(10) or to treat medical
23 emergencies.

24 Section 2. Section 812.015, Florida Statutes, is
25 amended to read:

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

30 (1) As used in this section:

31

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

4 (b) "Merchant" means an owner or operator, or the
5 agent, consignee, employee, lessee, or officer of an owner or
6 operator, of any premises or apparatus used for retail
7 purchase or sale of any merchandise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (8) If a person commits retail theft, it is a felony
16 of the third degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084, if the property stolen is valued at
18 \$300 or more, and the person:

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

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

28 (c) Acts in concert with one or more other individuals
29 within one or more establishments to distract the merchant,
30 merchant's employee, or law enforcement officer in order to
31

1 carry out the offense, or acts in other ways to coordinate
2 efforts to carry out the offense; or

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

7 (9) Any person who violates subsection (8) and who has
8 previously been convicted of a violation of subsection (8)
9 commits a felony of the second degree, punishable as provided
10 in s. 775.082, s. 775.083, or s. 775.084.

11 Section 3. Section 812.0155, Florida Statutes, is
12 created to read:

13 812.0155 Suspension of driver's license following an
14 adjudication of guilt for theft.--

15 (1) Except as provided in subsections (2) and (3), the
16 court may order the suspension of the driver's license of each
17 person adjudicated guilty of any misdemeanor violation of s.
18 812.014 or s. 812.015, regardless of the value of the property
19 stolen. The court shall order the suspension of the driver's
20 license of each person adjudicated guilty of any misdemeanor
21 violation of s. 812.014 or s. 812.015 who has previously been
22 convicted of such an offense. Upon ordering the suspension of
23 the driver's license of the person adjudicated guilty, the
24 court shall forward the driver's license of the person
25 adjudicated guilty to the Department of Highway Safety and
26 Motor Vehicles in accordance with s. 322.25.

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

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

31

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 alternative
4 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 4. 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 5. 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 \$300.

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 \$300 or more.

4 Section 6. Section 817.625, Florida Statutes, is
5 created to read:

6 817.625 Use of scanning device or reencoder to
7 defraud; penalties.--

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

9 (a) "Scanning device" means a scanner, reader, or any
10 other electronic device that is used to access, read, scan,
11 obtain, memorize, or store, temporarily or permanently,
12 information encoded on the magnetic strip or stripe of a
13 payment card.

14 (b) "Reencoder" means an electronic device that places
15 encoded information from the magnetic strip or stripe of a
16 payment card onto the magnetic strip or stripe of a different
17 payment card.

18 (c) "Payment card" means a credit card, charge card,
19 debit card, or any other card that is issued to an authorized
20 card user and that allows the user to obtain, purchase, or
21 receive goods, services, money, or anything else of value from
22 a merchant.

23 (d) "Merchant" means a person who receives from an
24 authorized user of a payment card, or someone the person
25 believes to be an authorized user, a payment card or
26 information from a payment card, or what the person believes
27 to be a payment card or information from a payment card, as
28 the instrument for obtaining, purchasing, or receiving goods,
29 services, money, or anything else of value from the person.

30
31

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

4 1. A scanning device to access, read, obtain,
5 memorize, or store, temporarily or permanently, information
6 encoded on the magnetic strip or stripe of a payment card
7 without the permission of the authorized user of the payment
8 card and with the intent to defraud the authorized user, the
9 issuer of the authorized user's payment card, or a merchant.

10 2. A reencoder to place information encoded on the
11 magnetic strip or stripe of a payment card onto the magnetic
12 strip or stripe of a different card without the permission of
13 the authorized user of the card from which the information is
14 being reencoded and with the intent to defraud the authorized
15 user, the issuer of the authorized user's payment card, or a
16 merchant.

17 (b) Any person who violates subparagraph (a)1. or
18 subparagraph (a)2. a second or subsequent time commits a
19 felony of the second degree, punishable as provided in s.
20 775.082, s. 775.083, or s. 775.084.

21 (c) Any person who violates subparagraph (a)1. or
22 subparagraph (a)2. shall also be subject to the provisions of
23 ss. 932.701-932.707.

24 Section 7. Section 831.07, Florida Statutes, is
25 amended to read:

26 831.07 Forging bank bills, checks, drafts, or
27 promissory notes.--Whoever falsely makes, alters, forges or
28 counterfeits a bank bill, check, draft, or promissory note
29 payable to the bearer thereof, or to the order of any person,
30 issued by an incorporated banking company established in this
31 state, or within the United States, or any foreign province,

1 state, or government, with intent to injure 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 8. Section 831.08, Florida Statutes, is
6 amended to read:

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

18 Section 9. Section 831.09, Florida Statutes, is
19 amended to read:

20 831.09 Uttering forged bills, checks, drafts, or
21 notes.--Whoever utters or passes or tenders in payment as
22 true, any such false, altered, forged, or counterfeit note, or
23 any bank bill, check, draft, or promissory note, payable to
24 the bearer thereof or to the order of any person, issued as
25 aforesaid, knowing the same to be false, altered, forged, or
26 counterfeit, with intent to injure or defraud any person,
27 commits ~~shall be guilty of~~ a felony of the third degree,
28 punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084.

30 Section 10. For the purpose of incorporating the
31 amendments made by this act to section 831.09, Florida

1 Statutes, in references thereto, section 831.10, Florida
2 Statutes, is reenacted to read:

3 831.10 Second conviction of uttering forged
4 bills.--Whoever, having been convicted of the offense
5 mentioned in s. 831.09 is again convicted of the like offense
6 committed after the former conviction, and whoever is at the
7 same term of the court convicted upon three distinct charges
8 of such offense, shall be deemed a common utterer of
9 counterfeit bills, and shall be punished as provided in s.
10 775.084.

11 Section 11. Section 831.11, Florida Statutes, is
12 amended to read:

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

25 Section 12. Section 831.12, Florida Statutes, is
26 amended to read:

27 831.12 Fraudulently connecting parts of genuine
28 instrument.--Whoever fraudulently connects together parts of
29 several banknotes, checks, drafts, or other genuine
30 instruments in such a manner as to produce one additional
31 note, check, draft, or instrument, with intent to pass all of

1 them as genuine, commits ~~shall be deemed guilty of~~ forgery in
2 ~~like manner~~ as if each of them had been falsely made or
3 forged.

4 Section 13. Section 831.28, Florida Statutes, is
5 created to read:

6 831.28 Counterfeiting a payment instrument; possessing
7 a counterfeit payment instrument; penalties.--

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

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

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

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

1 Section 14. Subsection (10) is added to section
2 832.05, Florida Statutes, to read:

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

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

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

17 921.0022 Criminal Punishment Code; offense severity
18 ranking chart.--

19 (3) OFFENSE SEVERITY RANKING CHART

21 Florida	Felony	
22 Statute	Degree	Description
		(b) LEVEL 2
26 403.413(5)(c)	3rd	Dumps waste litter exceeding 500 27 lbs. in weight or 100 cubic feet 28 in volume or any quantity for 29 commercial purposes, or hazardous 30 waste.

1	517.07	3rd	Registration of securities and
2			furnishing of prospectus
3			required.
4	590.28(1)	3rd	Willful, malicious, or
5			intentional burning.
6	784.05(3)	3rd	Storing or leaving a loaded
7			firearm within reach of minor who
8			uses it to inflict injury or
9			death.
10	787.04(1)	3rd	In violation of court order,
11			take, entice, etc., minor beyond
12			state limits.
13	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
14			or more to public communication
15			or any other public service.
16	810.09(2)(e)	3rd	Trespassing on posted commerical
17			horticulture property.
18	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
19			more but less than \$5,000.
20	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
21			more but less than \$300, taken
22			from unenclosed curtilage of
23			dwelling.
24	<u>812.015(7)</u>	<u>3rd</u>	<u>Possession, use, or attempted use</u>
25			<u>of an antishoplifting or</u>
26			<u>inventory control device</u>
27			<u>countermeasure.</u>
28	817.234(1)(a)2.	3rd	False statement in support of
29			insurance claim.
30			
31			

1	817.481(3)(a)	3rd	Obtain credit or purchase with
2			false, expired, counterfeit,
3			etc., credit card, value over
4			\$300.
5	817.52(3)	3rd	Failure to redeliver hired
6			vehicle.
7	817.54	3rd	With intent to defraud, obtain
8			mortgage note, etc., by false
9			representation.
10	817.60(5)	3rd	Dealing in credit cards of
11			another.
12	817.60(6)(a)	3rd	Forgery; purchase goods, services
13			with false card.
14	817.61	3rd	Fraudulent use of credit cards
15			over \$100 or more within 6
16			months.
17	826.04	3rd	Knowingly marries or has sexual
18			intercourse with person to whom
19			related.
20	831.01	3rd	Forgery.
21	831.02	3rd	Uttering forged instrument;
22			utters or publishes alteration
23			with intent to defraud.
24	831.07	3rd	Forging bank bills, <u>checks,</u>
25			<u>drafts,</u> or promissory <u>notes</u> note .
26	831.08	3rd	<u>Possessing</u> Possession of 10 or
27			more forged notes, <u>bills, checks,</u>
28			<u>or drafts.</u>
29			
30			
31			

1	831.09	3rd	Uttering forged <u>notes, bills,</u>
2			<u>checks, drafts, or promissory</u>
3			<u>notes;</u> passes as bank bill or
4			promissory note.
5	<u>831.11</u>	<u>3rd</u>	<u>Bringing into the state forged</u>
6			<u>bank bills, checks, drafts, or</u>
7			<u>notes.</u>
8	832.05(3)(a)	3rd	Cashing or depositing item with
9			intent to defraud.
10	843.08	3rd	Falsely impersonating an officer.
11	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
12			(2)(c)1., (2)(c)2., (2)(c)3.,
13			(2)(c)5., (2)(c)6., (2)(c)7.,
14			(2)(c)8., (2)(c)9., (3), or (4)
15			drugs other than cannabis.
16	893.147(2)	3rd	Manufacture or delivery of drug
17			paraphernalia.
18			(c) LEVEL 3
19	316.1935(2)	3rd	Fleeing or attempting to elude
20			law enforcement officer in marked
21			patrol vehicle with siren and
22			lights activated.
23	319.30(4)	3rd	Possession by junkyard of motor
24			vehicle with identification
25			number plate removed.
26	319.33(1)(a)	3rd	Alter or forge any certificate of
27			title to a motor vehicle or
28			mobile home.
29	319.33(1)(c)	3rd	Procure or pass title on stolen
30			vehicle.
31			

1	319.33(4)	3rd	With intent to defraud, possess,
2			sell, etc., a blank, forged, or
3			unlawfully obtained title or
4			registration.
5	328.05(2)	3rd	Possess, sell, or counterfeit
6			fictitious, stolen, or fraudulent
7			titles or bills of sale of
8			vessels.
9	328.07(4)	3rd	Manufacture, exchange, or possess
10			vessel with counterfeit or wrong
11			ID number.
12	376.302(5)	3rd	Fraud related to reimbursement
13			for cleanup expenses under the
14			Inland Protection Trust Fund.
15	501.001(2)(b)	2nd	Tampers with a consumer product
16			or the container using materially
17			false/misleading information.
18	697.08	3rd	Equity skimming.
19	790.15(3)	3rd	Person directs another to
20			discharge firearm from a vehicle.
21	796.05(1)	3rd	Live on earnings of a prostitute.
22	806.10(1)	3rd	Maliciously injure, destroy, or
23			interfere with vehicles or
24			equipment used in firefighting.
25	806.10(2)	3rd	Interferes with or assaults
26			firefighter in performance of
27			duty.
28	810.09(2)(c)	3rd	Trespass on property other than
29			structure or conveyance armed
30			with firearm or dangerous weapon.
31			

1	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
2			less than \$10,000.
3	815.04(4)(b)	2nd	Computer offense devised to
4			defraud or obtain property.
5	817.034(4)(a)3.	3rd	Engages in scheme to defraud
6			(Florida Communications Fraud
7			Act), property valued at less
8			than \$20,000.
9	817.233	3rd	Burning to defraud insurer.
10	828.12(2)	3rd	Tortures any animal with intent
11			to inflict intense pain, serious
12			physical injury, or death.
13	<u>831.28(2)(a)</u>	<u>3rd</u>	<u>Counterfeiting a payment</u>
14			<u>instrument with intent to defraud</u>
15			<u>or possessing a counterfeit</u>
16			<u>payment instrument.</u>
17	831.29	2nd	Possession of instruments for
18			counterfeiting drivers' licenses
19			or identification cards.
20	838.021(3)(b)	3rd	Threatens unlawful harm to public
21			servant.
22	843.19	3rd	Injure, disable, or kill police
23			dog or horse.
24	870.01(2)	3rd	Riot; inciting or encouraging.
25	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
26			cannabis (or other s.
27			893.03(1)(c), (2)(c)1., (2)(c)2.,
28			(2)(c)3., (2)(c)5., (2)(c)6.,
29			(2)(c)7., (2)(c)8., (2)(c)9.,
30			(3), or (4) drugs).
31			

1	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 200 feet
6			of university or public park.
7	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 200 feet
12			of public housing facility.
13	893.13(6)(a)	3rd	Possession of any controlled
14			substance other than felony
15			possession of cannabis.
16	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
17			controlled substance by fraud,
18			forgery, misrepresentation, etc.
19	893.13(7)(a)11.	3rd	Furnish false or fraudulent
20			material information on any
21			document or record required by
22			chapter 893.
23	918.13(1)(a)	3rd	Alter, destroy, or conceal
24			investigation evidence.
25	944.47		
26	(1)(a)1.-2.	3rd	Introduce contraband to
27			correctional facility.
28	944.47(1)(c)	2nd	Possess contraband while upon the
29			grounds of a correctional
30			institution.
31			

1	985.3141	3rd	Escapes from a juvenile facility
2			(secure detention or residential
3			commitment facility).
4			(d) LEVEL 4
5	316.1935(3)	2nd	Driving at high speed or with
6			wanton disregard for safety while
7			fleeing or attempting to elude
8			law enforcement officer who is in
9			a marked patrol vehicle with
10			siren and lights activated.
11	784.07(2)(b)	3rd	Battery of law enforcement
12			officer, firefighter, intake
13			officer, etc.
14	784.075	3rd	Battery on detention or
15			commitment facility staff.
16	784.08(2)(c)	3rd	Battery on a person 65 years of
17			age or older.
18	784.081(3)	3rd	Battery on specified official or
19			employee.
20	784.082(3)	3rd	Battery by detained person on
21			visitor or other detainee.
22	784.083(3)	3rd	Battery on code inspector.
23	784.085	3rd	Battery of child by throwing,
24			tossing, projecting, or expelling
25			certain fluids or materials.
26	787.03(1)	3rd	Interference with custody;
27			wrongly takes child from
28			appointed guardian.
29			
30			
31			

1	787.04(2)	3rd	Take, entice, or remove child
2			beyond state limits with criminal
3			intent pending custody
4			proceedings.
5	787.04(3)	3rd	Carrying child beyond state lines
6			with criminal intent to avoid
7			producing child at custody
8			hearing or delivering to
9			designated person.
10	790.115(1)	3rd	Exhibiting firearm or weapon
11			within 1,000 feet of a school.
12	790.115(2)(b)	3rd	Possessing electric weapon or
13			device, destructive device, or
14			other weapon on school property.
15	790.115(2)(c)	3rd	Possessing firearm on school
16			property.
17	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
18			offender less than 18 years.
19	810.02(4)(a)	3rd	Burglary, or attempted burglary,
20			of an unoccupied structure;
21			unarmed; no assault or battery.
22	810.02(4)(b)	3rd	Burglary, or attempted burglary,
23			of an unoccupied conveyance;
24			unarmed; no assault or battery.
25	810.06	3rd	Burglary; possession of tools.
26	810.08(2)(c)	3rd	Trespass on property, armed with
27			firearm or dangerous weapon.
28	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
29			or more but less than \$20,000.
30			
31			

1	812.014		
2	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
3			firearm, motor vehicle,
4			livestock, etc.
5	<u>812.0195(2)</u>	<u>3rd</u>	<u>Dealing in stolen property by use</u>
6			<u>of the Internet; property stolen</u>
7			<u>\$300 or more.</u>
8	817.563(1)	3rd	Sell or deliver substance other
9			than controlled substance agreed
10			upon, excluding s. 893.03(5)
11			drugs.
12	<u>817.625(2)(a)</u>	<u>3rd</u>	<u>Fraudulent use of scanning device</u>
13			<u>or reencoder.</u>
14	828.125(1)	2nd	Kill, maim, or cause great bodily
15			harm or permanent breeding
16			disability to any registered
17			horse or cattle.
18	837.02(1)	3rd	Perjury in official proceedings.
19	837.021(1)	3rd	Make contradictory statements in
20			official proceedings.
21	843.021	3rd	Possession of a concealed
22			handcuff key by a person in
23			custody.
24	843.025	3rd	Deprive law enforcement,
25			correctional, or correctional
26			probation officer of means of
27			protection or communication.
28	843.15(1)(a)	3rd	Failure to appear while on bail
29			for felony (bond estreature or
30			bond jumping).
31			

1	874.05(1)	3rd	Encouraging or recruiting another
2			to join a criminal street gang.
3	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
4			893.03(1)(a), (b), or (d),
5			(2)(a), (2)(b), or (2)(c)4.
6			drugs).
7	914.14(2)	3rd	Witnesses accepting bribes.
8	914.22(1)	3rd	Force, threaten, etc., witness,
9			victim, or informant.
10	914.23(2)	3rd	Retaliation against a witness,
11			victim, or informant, no bodily
12			injury.
13	918.12	3rd	Tampering with jurors.
14			(e) LEVEL 5
15	316.027(1)(a)	3rd	Accidents involving personal
16			injuries, failure to stop;
17			leaving scene.
18	316.1935(4)	2nd	Aggravated fleeing or eluding.
19	322.34(6)	3rd	Careless operation of motor
20			vehicle with suspended license,
21			resulting in death or serious
22			bodily injury.
23	327.30(5)	3rd	Vessel accidents involving
24			personal injury; leaving scene.
25	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
26			knowing HIV positive.
27	790.01(2)	3rd	Carrying a concealed firearm.
28	790.162	2nd	Threat to throw or discharge
29			destructive device.
30	790.163	2nd	False report of deadly explosive.
31			

1	790.165(2)	3rd	Manufacture, sell, possess, or
2			deliver hoax bomb.
3	790.221(1)	2nd	Possession of short-barreled
4			shotgun or machine gun.
5	790.23	2nd	Felons in possession of firearms
6			or electronic weapons or devices.
7	800.04(6)(c)	3rd	Lewd or lascivious conduct;
8			offender less than 18 years.
9	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
10			offender 18 years or older.
11	806.111(1)	3rd	Possess, manufacture, or dispense
12			fire bomb with intent to damage
13			any structure or property.
14	812.019(1)	2nd	Stolen property; dealing in or
15			trafficking in.
16	812.131(2)(b)	3rd	Robbery by sudden snatching.
17	812.16(2)	3rd	Owning, operating, or conducting
18			a chop shop.
19	817.034(4)(a)2.	2nd	Communications fraud, value
20			\$20,000 to \$50,000.
21	<u>817.625(2)(b)</u>	<u>2nd</u>	<u>Second or subsequent fraudulent</u>
22			<u>use of scanning device or</u>
23			<u>reencoder.</u>
24	825.1025(4)	3rd	Lewd or lascivious exhibition in
25			the presence of an elderly person
26			or disabled adult.
27	827.071(4)	2nd	Possess with intent to promote
28			any photographic material, motion
29			picture, etc., which includes
30			sexual conduct by a child.
31			

1	843.01	3rd	Resist officer with violence to
2			person; resist arrest with
3			violence.
4	874.05(2)	2nd	Encouraging or recruiting another
5			to join a criminal street gang;
6			second or subsequent offense.
7	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
8			cocaine (or other s.
9			893.03(1)(a), (1)(b), (1)(d),
10			(2)(a), (2)(b), or (2)(c)4.
11			drugs).
12	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
13			cannabis (or other s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs) within 1,000
18			feet of a child care facility or
19			school.
20	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
21			cocaine (or other s.
22			893.03(1)(a), (1)(b), (1)(d),
23			(2)(a), (2)(b), or (2)(c)4.
24			drugs) within 200 feet of
25			university or public park.
26			
27			
28			
29			
30			
31			

1	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
2			cannabis or other drug prohibited
3			under s. 893.03(1)(c), (2)(c)1.,
4			(2)(c)2., (2)(c)3., (2)(c)5.,
5			(2)(c)6., (2)(c)7., (2)(c)8.,
6			(2)(c)9., (3), or (4) within
7			1,000 feet of property used for
8			religious services or a specified
9			business site.
10	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
11			cocaine (or other s.
12			893.03(1)(a), (1)(b), (1)(d), or
13			(2)(a), (2)(b), or (2)(c)4.
14			drugs) within 200 feet of public
15			housing facility.
16	893.13(4)(b)	2nd	Deliver to minor cannabis (or
17			other s. 893.03(1)(c), (2)(c)1.,
18			(2)(c)2., (2)(c)3., (2)(c)5.,
19			(2)(c)6., (2)(c)7., (2)(c)8.,
20			(2)(c)9., (3), or (4) drugs).
21			(f) LEVEL 6
22	316.027(1)(b)	2nd	Accident involving death, failure
23			to stop; leaving scene.
24	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
25			conviction.
26	775.0875(1)	3rd	Taking firearm from law
27			enforcement officer.
28	775.21(10)	3rd	Sexual predators; failure to
29			register; failure to renew
30			driver's license or
31			identification card.

1	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
2			without intent to kill.
3	784.021(1)(b)	3rd	Aggravated assault; intent to
4			commit felony.
5	784.041	3rd	Felony battery.
6	784.048(3)	3rd	Aggravated stalking; credible
7			threat.
8	784.048(5)	3rd	Aggravated stalking of person
9			under 16.
10	784.07(2)(c)	2nd	Aggravated assault on law
11			enforcement officer.
12	784.08(2)(b)	2nd	Aggravated assault on a person 65
13			years of age or older.
14	784.081(2)	2nd	Aggravated assault on specified
15			official or employee.
16	784.082(2)	2nd	Aggravated assault by detained
17			person on visitor or other
18			detainee.
19	784.083(2)	2nd	Aggravated assault on code
20			inspector.
21	787.02(2)	3rd	False imprisonment; restraining
22			with purpose other than those in
23			s. 787.01.
24	790.115(2)(d)	2nd	Discharging firearm or weapon on
25			school property.
26	790.161(2)	2nd	Make, possess, or throw
27			destructive device with intent to
28			do bodily harm or damage
29			property.
30			
31			

1	790.164(1)	2nd	False report of deadly explosive
2			or act of arson or violence to
3			state property.
4	790.19	2nd	Shooting or throwing deadly
5			missiles into dwellings, vessels,
6			or vehicles.
7	794.011(8)(a)	3rd	Solicitation of minor to
8			participate in sexual activity by
9			custodial adult.
10	794.05(1)	2nd	Unlawful sexual activity with
11			specified minor.
12	800.04(5)(d)	3rd	Lewd or lascivious molestation;
13			victim 12 years of age or older
14			but less than 16 years; offender
15			less than 18 years.
16	800.04(6)(b)	2nd	Lewd or lascivious conduct;
17			offender 18 years of age or
18			older.
19	806.031(2)	2nd	Arson resulting in great bodily
20			harm to firefighter or any other
21			person.
22	810.02(3)(c)	2nd	Burglary of occupied structure;
23			unarmed; no assault or battery.
24	812.014(2)(b) <u>1.</u>	2nd	Property stolen \$20,000 or more,
25			but less than \$100,000, grand
26			theft in 2nd degree.
27	<u>812.015(9)</u>	<u>2nd</u>	<u>Retail theft; property stolen</u>
28			<u>\$300 or more; second or</u>
29			<u>subsequent conviction.</u>
30	812.13(2)(c)	2nd	Robbery, no firearm or other
31			weapon (strong-arm robbery).

1	817.034(4)(a)1.	1st	Communications fraud, value
2			greater than \$50,000.
3	817.4821(5)	2nd	Possess cloning paraphernalia
4			with intent to create cloned
5			cellular telephones.
6	825.102(1)	3rd	Abuse of an elderly person or
7			disabled adult.
8	825.102(3)(c)	3rd	Neglect of an elderly person or
9			disabled adult.
10	825.1025(3)	3rd	Lewd or lascivious molestation of
11			an elderly person or disabled
12			adult.
13	825.103(2)(c)	3rd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at less than \$20,000.
16	827.03(1)	3rd	Abuse of a child.
17	827.03(3)(c)	3rd	Neglect of a child.
18	827.071(2)&(3)	2nd	Use or induce a child in a sexual
19			performance, or promote or direct
20			such performance.
21	836.05	2nd	Threats; extortion.
22	836.10	2nd	Written threats to kill or do
23			bodily injury.
24	843.12	3rd	Aids or assists person to escape.
25	847.0135(3)	3rd	Solicitation of a child, via a
26			computer service, to commit an
27			unlawful sex act.
28	914.23	2nd	Retaliation against a witness,
29			victim, or informant, with bodily
30			injury.
31			

1	943.0435(9)	3rd	Sex offenders; failure to comply
2			with reporting requirements.
3	944.35(3)(a)2.	3rd	Committing malicious battery upon
4			or inflicting cruel or inhuman
5			treatment on an inmate or
6			offender on community
7			supervision, resulting in great
8			bodily harm.
9	944.40	2nd	Escapes.
10	944.46	3rd	Harboring, concealing, aiding
11			escaped prisoners.
12	944.47(1)(a)5.	2nd	Introduction of contraband
13			(firearm, weapon, or explosive)
14			into correctional facility.
15	951.22(1)	3rd	Intoxicating drug, firearm, or
16			weapon introduced into county
17			facility.
18			(g) LEVEL 7
19	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
20			injury.
21	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
22			bodily injury.
23	402.319(2)	2nd	Misrepresentation and negligence
24			or intentional act resulting in
25			great bodily harm, permanent
26			disfiguration, permanent
27			disability, or death.
28	409.920(2)	3rd	Medicaid provider fraud.
29	456.065(2)	3rd	Practicing a health care
30			profession without a license.
31			

1	456.065(2)	2nd	Practicing a health care
2			profession without a license
3			which results in serious bodily
4			injury.
5	458.327(1)	3rd	Practicing medicine without a
6			license.
7	459.013(1)	3rd	Practicing osteopathic medicine
8			without a license.
9	460.411(1)	3rd	Practicing chiropractic medicine
10			without a license.
11	461.012(1)	3rd	Practicing podiatric medicine
12			without a license.
13	462.17	3rd	Practicing naturopathy without a
14			license.
15	463.015(1)	3rd	Practicing optometry without a
16			license.
17	464.016(1)	3rd	Practicing nursing without a
18			license.
19	465.015(2)	3rd	Practicing pharmacy without a
20			license.
21	466.026(1)	3rd	Practicing dentistry or dental
22			hygiene without a license.
23	467.201	3rd	Practicing midwifery without a
24			license.
25	468.366	3rd	Delivering respiratory care
26			services without a license.
27	483.828(1)	3rd	Practicing as clinical laboratory
28			personnel without a license.
29	483.901(9)	3rd	Practicing medical physics
30			without a license.
31			

1	484.053	3rd	Dispensing hearing aids without a
2			license.
3	494.0018(2)	1st	Conviction of any violation of
4			ss. 494.001-494.0077 in which the
5			total money and property
6			unlawfully obtained exceeded
7			\$50,000 and there were five or
8			more victims.
9	560.123(8)(b)1.	3rd	Failure to report currency or
10			payment instruments exceeding
11			\$300 but less than \$20,000 by
12			money transmitter.
13	560.125(5)(a)	3rd	Money transmitter business by
14			unauthorized person, currency or
15			payment instruments exceeding
16			\$300 but less than \$20,000.
17	655.50(10)(b)1.	3rd	Failure to report financial
18			transactions exceeding \$300 but
19			less than \$20,000 by financial
20			institution.
21	782.051(3)	2nd	Attempted felony murder of a
22			person by a person other than the
23			perpetrator or the perpetrator of
24			an attempted felony.
25	782.07(1)	2nd	Killing of a human being by the
26			act, procurement, or culpable
27			negligence of another
28			(manslaughter).
29			
30			
31			

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.07(2)(d)	1st	Aggravated battery on law
19			enforcement officer.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	784.083(1)	1st	Aggravated battery on code
28			inspector.
29	790.07(4)	1st	Specified weapons violation
30			subsequent to previous conviction
31			of s. 790.07(1) or (2).

1	790.16(1)	1st	Discharge of a machine gun under
2			specified circumstances.
3	790.166(3)	2nd	Possessing, selling, using, or
4			attempting to use a hoax weapon
5			of mass destruction.
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
9			victim less than 12 years of age;
10			offender less than 18 years.
11	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			18 years or older.
15	806.01(2)	2nd	Maliciously damage structure by
16			fire or explosive.
17	810.02(3)(a)	2nd	Burglary of occupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(d)	2nd	Burglary of occupied conveyance;
22			unarmed; no assault or battery.
23	812.014(2)(a) <u>1.</u>	1st	Property stolen, valued at
24			\$100,000 or more; property stolen
25			while causing other property
26			damage; 1st degree grand theft.
27	<u>812.014(2)(b)2.</u>	<u>2nd</u>	<u>Property stolen, emergency</u>
28			<u>medical equipment; 2nd degree</u>
29			<u>grand theft.</u>
30			
31			

1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	825.102(3)(b)	2nd	Neglecting an elderly person or
9			disabled adult causing great
10			bodily harm, disability, or
11			disfigurement.
12	825.1025(2)	2nd	Lewd or lascivious battery upon
13			an elderly person or disabled
14			adult.
15	825.103(2)(b)	2nd	Exploiting an elderly person or
16			disabled adult and property is
17			valued at \$20,000 or more, but
18			less than \$100,000.
19	827.03(3)(b)	2nd	Neglect of a child causing great
20			bodily harm, disability, or
21			disfigurement.
22	827.04(3)	3rd	Impregnation of a child under 16
23			years of age by person 21 years
24			of age or older.
25	837.05(2)	3rd	Giving false information about
26			alleged capital felony to a law
27			enforcement officer.
28	872.06	2nd	Abuse of a dead human body.
29			
30			
31			

1	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4.) within 1,000 feet of a
6			child care facility or school.
7	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
8			cocaine or other drug prohibited
9			under s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), (2)(b), or
11			(2)(c)4., within 1,000 feet of
12			property used for religious
13			services or a specified business
14			site.
15	893.13(4)(a)	1st	Deliver to minor cocaine (or
16			other s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4. drugs).
19	893.135(1)(a)1.	1st	Trafficking in cannabis, more
20			than 50 lbs., less than 2,000
21			lbs.
22	893.135		
23	(1)(b)1.a.	1st	Trafficking in cocaine, more than
24			28 grams, less than 200 grams.
25	893.135		
26	(1)(c)1.a.	1st	Trafficking in illegal drugs,
27			more than 4 grams, less than 14
28			grams.
29			
30			
31			

1	893.135		
2	(1)(d)1.	1st	Trafficking in phencyclidine,
3			more than 28 grams, less than 200
4			grams.
5	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
6			than 200 grams, less than 5
7			kilograms.
8	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
9			than 14 grams, less than 28
10			grams.
11	893.135		
12	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
13			grams or more, less than 14
14			grams.
15	893.135		
16	(1)(h)1.a.	1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			1 kilogram or more, less than 5
19			kilograms.
20	893.135		
21	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
22			kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(j)2.a.	1st	Trafficking in Phenethylamines,
26			10 grams or more, less than 200
27			grams.
28	896.101(5)(a)	3rd	Money laundering, financial
29			transactions exceeding \$300 but
30			less than \$20,000.
31			

1 896.104(4)(a)1. 3rd Structuring transactions to evade
2 reporting or registration
3 requirements, financial
4 transactions exceeding \$300 but
5 less than \$20,000.

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

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

27 Section 18. This act shall take effect July 1, 2001.
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1282

4 The committee substitute makes the following changes to CS/SB
5 1282:

- 6 1) Provides penalties for theft of certain emergency
7 medical equipment.
- 8 2) Strikes the description of the term "merchant's
9 employee," which included certain private security
10 guards.
- 11 3) Adds electronic or digital imaging to the definition of
12 the term "antishoplifting or inventory control device."
- 13 4) Changes the offense of retail theft from a second-degree
14 felony, if the property stolen is valued at \$150 or more
15 and certain "conditions" exist, to a third-degree
16 felony, if the property is valued at \$300 or more and
17 certain "conditions" exist. Deletes the following from
18 the list of "conditions": unlawful possession of drugs
19 or drug paraphernalia at the time of arrest and
20 coordination of efforts between or among individuals in
21 order to commit an offense.
- 22 5) Provides that a repeat offender of the retail theft
23 provision created by the committee substitute commits a
24 second-degree felony.
- 25 6) Except in certain circumstances, authorizes, rather than
26 requires, the court to order the suspension of the
27 driver's license of each person adjudicated guilty of
28 certain misdemeanor theft violations. Requires the court
29 to order the suspension of a repeat offender's license.
- 30 7) With regard to dealing in stolen property over the
31 Internet, provides that it is a second-degree
misdemeanor if the value of the stolen property is less
than \$300 (instead of \$150) and that it is a
third-degree felony if the value of the stolen property
is \$300 or more (instead of \$150 or more).
- 8) Clarifies that, with regard to the illegal use of a
scanning device or a reencoder, an offender might intend
to defraud the authorized user of a payment card, the
issuer of the authorized user's payment card, or a
merchant (rather than simply the authorized user).
Provides that a violator of the committee substitute's
scanning device/reencoder fraud provisions shall also be
subject to the provisions of the Florida Contraband
Forfeiture Act (ss. 932.701-932.707, F.S.).
- 9) Strikes certain provisions related to giving worthless
checks, drafts, and debit card orders.
- 10) Strikes provisions related to the observation of
customers in a merchant's dressing room, fitting room,
changing room, or restroom.

1 11) Conforms the offense severity ranking chart of the
2 Criminal Punishment Code to reflect changes made by the
3 committee substitute.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31