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An act relating to theft; creating s. 812.0145, F.S.; providing enhanced criminal penalties for theft from persons age 65 or older; requiring restitution and community service for theft from said persons; amending s. 921.0022, F.S.; adding specified felonies to the Criminal Punishment Code offense severity ranking chart; providing an effective date.

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

Section 1. Section 812.0145, Florida Statutes, is created to read:

812.0145 Theft from persons 65 years of age or older; reclassification of offenses.--

(1) A person who is convicted of theft of more than \$1,000 from a person 65 years of age or older shall be ordered by the sentencing judge to make restitution to the victim of such offense and to perform up to 500 hours of community service work. Restitution and community service work shall be in addition to any fine or sentence which may be imposed and shall not be in lieu thereof.

(2) Whenever a person is charged with committing theft from a person 65 years of age or older, when he or she knows or has reason to believe that the victim was 65 years of age or older, the offense for which the person is charged shall be reclassified as follows:

(a) If the funds, assets, or property involved in the theft from a person 65 years of age or older is valued at \$50,000 or more, the offender commits a felony of the first

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

3 (b) If the funds, assets, or property involved in the  
4 theft from a person 65 years of age or older is valued at  
5 \$10,000 or more, but less than \$50,000, the offender commits a  
6 felony of the second degree, punishable as provided in s.  
7 775.082, s. 775.083, or s. 775.084.

8 (c) If the funds, assets, or property involved in the  
9 theft from a person 65 years of age or older is valued at \$300  
10 or more, but less than \$10,000, the offender commits a felony  
11 of the third degree, punishable as provided in s. 775.082, s.  
12 775.083, or s. 775.084.

13 Section 2. Paragraphs (c), (e) and (g) of subsection  
14 (3) of section 921.0022, Florida Statutes are amended to read:

15 921.0022 Criminal Punishment Code; offense severity  
16 ranking chart.--

17 (3) OFFENSE SEVERITY RANKING CHART

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Florida Statute	Felony Degree	Description
		(c) LEVEL 3
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.

1	319.33(1)(a)	3rd	Alter or forge any certificate of
2			title to a motor vehicle or
3			mobile home.
4	319.33(1)(c)	3rd	Procure or pass title on stolen
5			vehicle.
6	319.33(4)	3rd	With intent to defraud, possess,
7			sell, etc., a blank, forged, or
8			unlawfully obtained title or
9			registration.
10	328.05(2)	3rd	Possess, sell, or counterfeit
11			fictitious, stolen, or fraudulent
12			titles or bills of sale of
13			vessels.
14	328.07(4)	3rd	Manufacture, exchange, or possess
15			vessel with counterfeit or wrong
16			ID number.
17	376.302(5)	3rd	Fraud related to reimbursement
18			for cleanup expenses under the
19			Inland Protection Trust Fund.
20	501.001(2)(b)	2nd	Tampers with a consumer product
21			or the container using materially
22			false/misleading information.
23	697.08	3rd	Equity skimming.
24	790.15(3)	3rd	Person directs another to
25			discharge firearm from a vehicle.
26	796.05(1)	3rd	Live on earnings of a prostitute.
27	806.10(1)	3rd	Maliciously injure, destroy, or
28			interfere with vehicles or
29			equipment used in firefighting.
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1	806.10(2)	3rd	Interferes with or assaults
2			firefighter in performance of
3			duty.
4	810.09(2)(c)	3rd	Trespass on property other than
5			structure or conveyance armed
6			with firearm or dangerous weapon.
7	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
8			less than \$10,000.
9	<u>812.0145(2)(c)</u>	<u>3rd</u>	<u>Theft from person 65 years of age</u>
10			<u>or older; \$300 or more but less</u>
11			<u>than \$10,000.</u>
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	817.234(8)&(9)	3rd	Unlawful solicitation of persons
20			involved in motor vehicle
21			accidents.
22	817.234(11)(a)	3rd	Insurance fraud; property value
23			less than \$20,000.
24	817.505(4)	3rd	Patient brokering.
25	828.12(2)	3rd	Tortures any animal with intent
26			to inflict intense pain, serious
27			physical injury, or death.
28	831.28(2)(a)	3rd	Counterfeiting a payment
29			instrument with intent to defraud
30			or possessing a counterfeit
31			payment instrument.

1	831.29	2nd	Possession of instruments for
2			counterfeiting drivers' licenses
3			or identification cards.
4	838.021(3)(b)	3rd	Threatens unlawful harm to public
5			servant.
6	843.19	3rd	Injure, disable, or kill police
7			dog or horse.
8	870.01(2)	3rd	Riot; inciting or encouraging.
9	893.13(1)(a)2.	3rd	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).
15	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
16			893.03(1)(c), (2)(c)1., (2)(c)2.,
17			(2)(c)3., (2)(c)5., (2)(c)6.,
18			(2)(c)7., (2)(c)8., (2)(c)9.,
19			(3), or (4) drugs within 200 feet
20			of university or public park.
21	893.13(1)(f)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 public housing facility.
27	893.13(6)(a)	3rd	Possession of any controlled
28			substance other than felony
29			possession of cannabis.
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1	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
2			controlled substance by fraud,
3			forgery, misrepresentation, etc.
4	893.13(7)(a)11.	3rd	Furnish false or fraudulent
5			material information on any
6			document or record required by
7			chapter 893.
8	918.13(1)(a)	3rd	Alter, destroy, or conceal
9			investigation evidence.
10	944.47		
11	(1)(a)1.-2.	3rd	Introduce contraband to
12			correctional facility.
13	944.47(1)(c)	2nd	Possess contraband while upon the
14			grounds of a correctional
15			institution.
16	985.3141	3rd	Escapes from a juvenile facility
17			(secure detention or residential
18			commitment facility).
19			(e) LEVEL 5
20	316.027(1)(a)	3rd	Accidents involving personal
21			injuries, failure to stop;
22			leaving scene.
23	316.1935(4)	2nd	Aggravated fleeing or eluding.
24	322.34(6)	3rd	Careless operation of motor
25			vehicle with suspended license,
26			resulting in death or serious
27			bodily injury.
28	327.30(5)	3rd	Vessel accidents involving
29			personal injury; leaving scene.
30	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
31			knowing HIV positive.

ENROLLED

2002 Legislature

HB 835, Second Engrossed

1	790.01(2)	3rd	Carrying a concealed firearm.
2	790.162	2nd	Threat to throw or discharge
3			destructive device.
4	790.163	2nd	False report of deadly explosive.
5	790.165(2)	3rd	Manufacture, sell, possess, or
6			deliver hoax bomb.
7	790.221(1)	2nd	Possession of short-barreled
8			shotgun or machine gun.
9	790.23	2nd	Felons in possession of firearms
10			or electronic weapons or devices.
11	800.04(6)(c)	3rd	Lewd or lascivious conduct;
12			offender less than 18 years.
13	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
14			offender 18 years or older.
15	806.111(1)	3rd	Possess, manufacture, or dispense
16			fire bomb with intent to damage
17			any structure or property.
18	<u>812.0145(2)(b)</u>	<u>2nd</u>	<u>Theft from person 65 year of age</u>
19			<u>or older; \$10,000 or more but</u>
20			<u>less than \$50,000.</u>
21	812.015(8)	3rd	Retail theft; property stolen is
22			valued at \$300 or more and one or
23			more specified acts.
24	812.019(1)	2nd	Stolen property; dealing in or
25			trafficking in.
26	812.131(2)(b)	3rd	Robbery by sudden snatching.
27	812.16(2)	3rd	Owning, operating, or conducting
28			a chop shop.
29	817.034(4)(a)2.	2nd	Communications fraud, value
30			\$20,000 to \$50,000.
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1	817.234(11)(b)	2nd	Insurance fraud; property value
2			\$20,000 or more but less than
3			\$100,000.
4	817.568(2)(b)	2nd	Fraudulent use of personal
5			identification information; value
6			of benefit, services received,
7			payment avoided, or amount of
8			injury or fraud, \$75,000 or more.
9	817.625(2)(b)	2nd	Second or subsequent fraudulent
10			use of scanning device or
11			reencoder.
12	825.1025(4)	3rd	Lewd or lascivious exhibition in
13			the presence of an elderly person
14			or disabled adult.
15	827.071(4)	2nd	Possess with intent to promote
16			any photographic material, motion
17			picture, etc., which includes
18			sexual conduct by a child.
19	843.01	3rd	Resist officer with violence to
20			person; resist arrest with
21			violence.
22	874.05(2)	2nd	Encouraging or recruiting another
23			to join a criminal street gang;
24			second or subsequent offense.
25	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
26			cocaine (or other s.
27			893.03(1)(a), (1)(b), (1)(d),
28			(2)(a), (2)(b), or (2)(c)4.
29			drugs).
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1	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs) within 1,000
7			feet of a child care facility or
8			school.
9	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
10			cocaine (or other s.
11			893.03(1)(a), (1)(b), (1)(d),
12			(2)(a), (2)(b), or (2)(c)4.
13			drugs) within 200 feet of
14			university or public park.
15	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
16			cannabis or other drug prohibited
17			under 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) within
21			1,000 feet of property used for
22			religious services or a specified
23			business site.
24	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
25			cocaine (or other s.
26			893.03(1)(a), (1)(b), (1)(d), or
27			(2)(a), (2)(b), or (2)(c)4.
28			drugs) within 200 feet of public
29			housing facility.
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1	893.13(4)(b)	2nd	Deliver to minor cannabis (or
2			other s. 893.03(1)(c), (2)(c)1.,
3			(2)(c)2., (2)(c)3., (2)(c)5.,
4			(2)(c)6., (2)(c)7., (2)(c)8.,
5			(2)(c)9., (3), or (4) drugs).
6			(g) LEVEL 7
7	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
8			injury.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
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1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
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1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	782.051(3)	2nd	Attempted felony murder of a
14			person by a person other than the
15			perpetrator or the perpetrator of
16			an attempted felony.
17	782.07(1)	2nd	Killing of a human being by the
18			act, procurement, or culpable
19			negligence of another
20			(manslaughter).
21	782.071	2nd	Killing of human being or viable
22			fetus by the operation of a motor
23			vehicle in a reckless manner
24			(vehicular homicide).
25	782.072	2nd	Killing of a human being by the
26			operation of a vessel in a
27			reckless manner (vessel
28			homicide).
29	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
30			causing great bodily harm or
31			disfigurement.

1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.07(2)(d)	1st	Aggravated battery on law
8			enforcement officer.
9	784.074(1)(a)	1st	Aggravated battery on sexually
10			violent predators facility staff.
11	784.08(2)(a)	1st	Aggravated battery on a person 65
12			years of age or older.
13	784.081(1)	1st	Aggravated battery on specified
14			official or employee.
15	784.082(1)	1st	Aggravated battery by detained
16			person on visitor or other
17			detainee.
18	784.083(1)	1st	Aggravated battery on code
19			inspector.
20	790.07(4)	1st	Specified weapons violation
21			subsequent to previous conviction
22			of s. 790.07(1) or (2).
23	790.16(1)	1st	Discharge of a machine gun under
24			specified circumstances.
25	790.166(3)	2nd	Possessing, selling, using, or
26			attempting to use a hoax weapon
27			of mass destruction.
28	796.03	2nd	Procuring any person under 16
29			years for prostitution.
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1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
2			victim less than 12 years of age;
3			offender less than 18 years.
4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
5			victim 12 years of age or older
6			but less than 16 years; offender
7			18 years or older.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)	1st	Property stolen, valued at
17			\$100,000 or more; cargo stolen
18			valued at \$50,000, or more;
19			property stolen while causing
20			other property damage; 1st degree
21			grand theft.
22	812.014(2)(b)2.	2nd	Property stolen, emergency
23			medical equipment; 2nd degree
24			grand theft.
25	<u>812.0145(2)(a)</u>	<u>1st</u>	<u>Theft from person 65 years of age</u>
26			<u>or older; \$50,000 or more.</u>
27	812.019(2)	1st	Stolen property; initiates,
28			organizes, plans, etc., the theft
29			of property and traffics in
30			stolen property.
31	812.131(2)(a)	2nd	Robbery by sudden snatching.

1	812.133(2)(b)	1st	Carjacking; no firearm, deadly
2			weapon, or other weapon.
3	817.234(11)(c)	1st	Insurance fraud; property value
4			\$100,000 or more.
5	825.102(3)(b)	2nd	Neglecting an elderly person or
6			disabled adult causing great
7			bodily harm, disability, or
8			disfigurement.
9	825.1025(2)	2nd	Lewd or lascivious battery upon
10			an elderly person or disabled
11			adult.
12	825.103(2)(b)	2nd	Exploiting an elderly person or
13			disabled adult and property is
14			valued at \$20,000 or more, but
15			less than \$100,000.
16	827.03(3)(b)	2nd	Neglect of a child causing great
17			bodily harm, disability, or
18			disfigurement.
19	827.04(3)	3rd	Impregnation of a child under 16
20			years of age by person 21 years
21			of age or older.
22	837.05(2)	3rd	Giving false information about
23			alleged capital felony to a law
24			enforcement officer.
25	872.06	2nd	Abuse of a dead human body.
26	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
27			cocaine (or other drug prohibited
28			under s. 893.03(1)(a), (1)(b),
29			(1)(d), (2)(a), (2)(b), or
30			(2)(c)4.) within 1,000 feet of a
31			child care facility or school.

1	893.13(1)(e)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
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 25 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
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1 893.135(1)(f)1. 1st Trafficking in amphetamine, more  
2 than 14 grams, less than 28  
3 grams.  
4 893.135  
5 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4  
6 grams or more, less than 14  
7 grams.  
8 893.135  
9 (1)(h)1.a. 1st Trafficking in  
10 gamma-hydroxybutyric acid (GHB),  
11 1 kilogram or more, less than 5  
12 kilograms.  
13 893.135  
14 (1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1  
15 kilogram or more, less than 5  
16 kilograms.  
17 893.135  
18 (1)(j)2.a. 1st Trafficking in Phenethylamines,  
19 10 grams or more, less than 200  
20 grams.  
21 896.101(5)(a) 3rd Money laundering, financial  
22 transactions exceeding \$300 but  
23 less than \$20,000.  
24 896.104(4)(a)1. 3rd Structuring transactions to evade  
25 reporting or registration  
26 requirements, financial  
27 transactions exceeding \$300 but  
28 less than \$20,000.  
29 Section 3. This act shall take effect October 1, 2002.  
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