

By Senator Smith

14-789-03

1                                   A bill to be entitled

2           An act relating to anhydrous ammonia; amending

3           s. 812.014, F.S.; providing that the theft of

4           anhydrous ammonia is grand theft and a felony

5           of the third degree; amending s. 893.033, F.S.;

6           adding anhydrous ammonia to the list of

7           precursor chemicals that may be used in

8           manufacturing a controlled substance in

9           violation of ch. 893, F.S.; reenacting s.

10          893.149, F.S., relating to the unlawful

11          possession or distribution of a listed

12          chemical; providing an effective date.

13

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

15

16           Section 1. Section 812.014, Florida Statutes, is

17 amended to read:

18           812.014 Theft.--

19           (1) A person commits theft if he or she knowingly

20 obtains or uses, or endeavors to obtain or to use, the

21 property of another with intent to, either temporarily or

22 permanently:

23           (a) Deprive the other person of a right to the

24 property or a benefit from the property.

25           (b) Appropriate the property to his or her own use or

26 to the use of any person not entitled to the use of the

27 property.

28           (2)(a)1. If the property stolen is valued at \$100,000

29 or more; or

30           2. If the property stolen is cargo valued at \$50,000

31 or more that has entered the stream of interstate or

**CODING:**Words ~~stricken~~ are deletions; words underlined are additions.

1 intrastate commerce from the shipper's loading platform to the  
2 consignee's receiving dock; or  
3         3. If the offender commits any grand theft and:  
4         a. In the course of committing the offense the  
5 offender uses a motor vehicle as an instrumentality, other  
6 than merely as a getaway vehicle, to assist in committing the  
7 offense and thereby damages the real property of another; or  
8         b. In the course of committing the offense the  
9 offender causes damage to the real or personal property of  
10 another in excess of \$1,000,  
11  
12 the offender commits grand theft in the first degree,  
13 punishable as a felony of the first degree, as provided in s.  
14 775.082, s. 775.083, or s. 775.084.  
15         (b)1. If the property stolen is valued at \$20,000 or  
16 more, but less than \$100,000;  
17         2. The property stolen is cargo valued at less than  
18 \$50,000 that has entered the stream of interstate or  
19 intrastate commerce from the shipper's loading platform to the  
20 consignee's receiving dock; or  
21         3. The property stolen is emergency medical equipment,  
22 valued at \$300 or more, that is taken from a facility licensed  
23 under chapter 395 or from an aircraft or vehicle permitted  
24 under chapter 401,  
25  
26 the offender commits grand theft in the second degree,  
27 punishable as a felony of the second degree, as provided in s.  
28 775.082, s. 775.083, or s. 775.084. Emergency medical  
29 equipment means mechanical or electronic apparatus used to  
30 provide emergency services and care as defined in s.  
31 395.002(10) or to treat medical emergencies.

1 (c) It is grand theft of the third degree and a felony  
2 of the third degree, punishable as provided in s. 775.082, s.  
3 775.083, or s. 775.084, if the property stolen is:

- 4 1. Valued at \$300 or more, but less than \$5,000.
- 5 2. Valued at \$5,000 or more, but less than \$10,000.
- 6 3. Valued at \$10,000 or more, but less than \$20,000.
- 7 4. A will, codicil, or other testamentary instrument.
- 8 5. A firearm.
- 9 6. A motor vehicle, except as provided in paragraph

10 (2)(a).

11 7. Any commercially farmed animal, including any  
12 animal of the equine, bovine, or swine class, or other grazing  
13 animal, and including aquaculture species raised at a  
14 certified aquaculture facility. If the property stolen is  
15 aquaculture species raised at a certified aquaculture  
16 facility, then a \$10,000 fine shall be imposed.

- 17 8. Any fire extinguisher.
- 18 9. Any amount of citrus fruit consisting of 2,000 or  
19 more individual pieces of fruit.
- 20 10. Taken from a designated construction site  
21 identified by the posting of a sign as provided for in s.  
22 810.09(2)(d).

- 23 11. Any stop sign.
- 24 12. Anhydrous ammonia.

25 (d) It is grand theft of the third degree and a felony  
26 of the third degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084, if the property stolen is valued at  
28 \$100 or more, but less than \$300, and is taken from a dwelling  
29 as defined in s. 810.011(2) or from the unenclosed curtilage  
30 of a dwelling pursuant to s. 810.09(1).

31

1           (e) Except as provided in paragraph (d), if the  
2 property stolen is valued at \$100 or more, but less than \$300,  
3 the offender commits petit theft of the first degree,  
4 punishable as a misdemeanor of the first degree, as provided  
5 in s. 775.082 or s. 775.083.

6           (3)(a) Theft of any property not specified in  
7 subsection (2) is petit theft of the second degree and a  
8 misdemeanor of the second degree, punishable as provided in s.  
9 775.082 or s. 775.083, and as provided in subsection (5), as  
10 applicable.

11           (b) A person who commits petit theft and who has  
12 previously been convicted of any theft commits a misdemeanor  
13 of the first degree, punishable as provided in s. 775.082 or  
14 s. 775.083.

15           (c) A person who commits petit theft and who has  
16 previously been convicted two or more times of any theft  
17 commits a felony of the third degree, punishable as provided  
18 in s. 775.082 or s. 775.083.

19           (d)1. Every judgment of guilty or not guilty of a  
20 petit theft shall be in writing, signed by the judge, and  
21 recorded by the clerk of the circuit court. The judge shall  
22 cause to be affixed to every such written judgment of guilty  
23 of petit theft, in open court and in the presence of such  
24 judge, the fingerprints of the defendant against whom such  
25 judgment is rendered. Such fingerprints shall be affixed  
26 beneath the judge's signature to such judgment. Beneath such  
27 fingerprints shall be appended a certificate to the following  
28 effect:

29  
30           "I hereby certify that the above and foregoing  
31 fingerprints on this judgment are the fingerprints of the

1 defendant, . . . ., and that they were placed thereon by said  
2 defendant in my presence, in open court, this the . . . . day of  
3 . . . ., . . .(year). . . ."

4  
5 Such certificate shall be signed by the judge, whose signature  
6 thereto shall be followed by the word "Judge."

7           2. Any such written judgment of guilty of a petit  
8 theft, or a certified copy thereof, is admissible in evidence  
9 in the courts of this state as prima facie evidence that the  
10 fingerprints appearing thereon and certified by the judge are  
11 the fingerprints of the defendant against whom such judgment  
12 of guilty of a petit theft was rendered.

13           (4) Failure to comply with the terms of a lease when  
14 the lease is for a term of 1 year or longer shall not  
15 constitute a violation of this section unless demand for the  
16 return of the property leased has been made in writing and the  
17 lessee has failed to return the property within 7 days of his  
18 or her receipt of the demand for return of the property. A  
19 demand mailed by certified or registered mail, evidenced by  
20 return receipt, to the last known address of the lessee shall  
21 be deemed sufficient and equivalent to the demand having been  
22 received by the lessee, whether such demand shall be returned  
23 undelivered or not.

24           (5)(a) No person shall drive a motor vehicle so as to  
25 cause it to leave the premises of an establishment at which  
26 gasoline offered for retail sale was dispensed into the fuel  
27 tank of such motor vehicle unless the payment of authorized  
28 charge for the gasoline dispensed has been made.

29           (b) In addition to the penalties prescribed in  
30 paragraph (3)(a), every judgment of guilty of a petit theft  
31 for property described in this subsection shall provide for

1 the suspension of the convicted person's driver's license. The  
2 court shall forward the driver's license to the Department of  
3 Highway Safety and Motor Vehicles in accordance with s.  
4 322.25.

5 1. The first suspension of a driver's license under  
6 this subsection shall be for a period of up to 6 months.

7 2. The second or subsequent suspension of a driver's  
8 license under this subsection shall be for a period of 1 year.

9 Section 2. Section 893.033, Florida Statutes, is  
10 amended to read:

11 893.033 Listed chemicals.--The chemicals listed in  
12 this section are included by whatever official, common, usual,  
13 chemical, or trade name designated.

14 (1) PRECURSOR CHEMICALS.--The term "listed precursor  
15 chemical" means a chemical that may be used in manufacturing a  
16 controlled substance in violation of this chapter and is  
17 critical to the creation of the controlled substance, and such  
18 term includes any salt, optical isomer, or salt of an optical  
19 isomer, whenever the existence of such salt, optical isomer,  
20 or salt of optical isomer is possible within the specific  
21 chemical designation. The following are "listed precursor  
22 chemicals":

23 (a) Anhydrous ammonia.

24 (b)~~(a)~~ Anthranilic acid.

25 (c)~~(b)~~ Benzyl chloride.

26 (d)~~(c)~~ Benzyl cyanide.

27 (e)~~(d)~~ Chloroephedrine.

28 (f)~~(e)~~ Chloropseudoephedrine.

29 (g)~~(f)~~ Ephedrine.

30 (h)~~(g)~~ Ergonovine.

31 (i)~~(h)~~ Ergotamine.

1        (j)~~(i)~~ Ethylamine.  
2        (k)~~(j)~~ Isosafrole.  
3        (l)~~(k)~~ Methylamine.  
4        (m)~~(l)~~ 3, 4-Methylenedioxyphenyl-2-propanone.  
5        (n)~~(m)~~ N-acetylanthranilic acid.  
6        (o)~~(n)~~ N-ethylephedrine.  
7        (p)~~(o)~~ N-ethylpseudoephedrine.  
8        (q)~~(p)~~ N-methylephedrine.  
9        (r)~~(q)~~ N-methylpseudoephedrine.  
10       (s)~~(r)~~ Norpseudoephedrine.  
11       (t)~~(s)~~ Phenylacetic acid.  
12       (u)~~(t)~~ Phenylpropanolamine.  
13       (v)~~(u)~~ Piperidine.  
14       (w)~~(v)~~ Piperonal.  
15       (x)~~(w)~~ Propionic anhydride.  
16       (y)~~(x)~~ Pseudoephedrine.  
17       (z)~~(y)~~ Safrole.  
18       (2) ESSENTIAL CHEMICALS.--The term "listed essential  
19 chemical" means a chemical that may be used as a solvent,  
20 reagent, or catalyst in manufacturing a controlled substance  
21 in violation of this chapter. The following are "listed  
22 essential chemicals":  
23        (a) Acetic anhydride.  
24        (b) Acetone.  
25        (c) 2-Butanone.  
26        (d) Ethyl ether.  
27        (e) Hydriodic acid.  
28        (f) Potassium permanganate.  
29        (g) Toluene.  
30        Section 3. Section 893.149, Florida Statutes, is  
31 reenacted to read:

