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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

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,
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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).

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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)"

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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:

1 893.149 Unlawful possession of listed chemical.--

2 (1) It is unlawful for any person to knowingly or
3 intentionally:

4 (a) Possess a listed chemical with the intent to
5 unlawfully manufacture a controlled substance;

6 (b) Possess or distribute a listed chemical knowing,
7 or having reasonable cause to believe, that the listed
8 chemical will be used to unlawfully manufacture a controlled
9 substance.

10 (2) Any person who violates this section is guilty of
11 a felony of the second degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084.

13 Section 4. This act shall take effect July 1, 2003.

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