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1 A bill to be entitled

2 An act relating to anhydrous ammonia; amending s. 812.014,
3 F.S.; providing that the theft of anhydrous ammonia is
4 grand theft and a felony of the third degree; amending s.
5 893.033, F.S.; adding anhydrous ammonia to the list of
6 precursor chemicals that may be used in manufacturing a
7 controlled substance in violation of ch. 893, F.S.;
8 reenacting s. 893.149, F.S., relating to the unlawful
9 possession or distribution of a listed chemical; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 812.014, Florida Statutes, is amended
15 to read:

16 812.014 Theft.--

17 (1) A person commits theft if he or she knowingly obtains
18 or uses, or endeavors to obtain or to use, the property of
19 another with intent to, either temporarily or permanently:

20 (a) Deprive the other person of a right to the property or
21 a benefit from the property.

22 (b) Appropriate the property to his or her own use or to
23 the use of any person not entitled to the use of the property.

24 (2)(a)1. If the property stolen is valued at \$100,000 or
25 more; or

26 2. If the property stolen is cargo valued at \$50,000 or
27 more that has entered the stream of interstate or intrastate
28 commerce from the shipper's loading platform to the consignee's
29 receiving dock; or

30 3. If the offender commits any grand theft and:



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31 a. In the course of committing the offense the offender
32 uses a motor vehicle as an instrumentality, other than merely as
33 a getaway vehicle, to assist in committing the offense and
34 thereby damages the real property of another; or

35 b. In the course of committing the offense the offender
36 causes damage to the real or personal property of another in
37 excess of \$1,000,

38
39 the offender commits grand theft in the first degree, punishable
40 as a felony of the first degree, as provided in s. 775.082, s.
41 775.083, or s. 775.084.

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

44 2. The property stolen is cargo valued at less than
45 \$50,000 that has entered the stream of interstate or intrastate
46 commerce from the shipper's loading platform to the consignee's
47 receiving dock; or

48 3. The property stolen is emergency medical equipment,
49 valued at \$300 or more, that is taken from a facility licensed
50 under chapter 395 or from an aircraft or vehicle permitted under
51 chapter 401,

52
53 the offender commits grand theft in the second degree,
54 punishable as a felony of the second degree, as provided in s.
55 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
56 means mechanical or electronic apparatus used to provide
57 emergency services and care as defined in s. 395.002(10) or to
58 treat medical emergencies.



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59 (c) It is grand theft of the third degree and a felony of
60 the third degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084, if the property stolen is:

- 62 1. Valued at \$300 or more, but less than \$5,000.
- 63 2. Valued at \$5,000 or more, but less than \$10,000.
- 64 3. Valued at \$10,000 or more, but less than \$20,000.
- 65 4. A will, codicil, or other testamentary instrument.
- 66 5. A firearm.
- 67 6. A motor vehicle, except as provided in paragraph
68 (2)(a).

69 7. Any commercially farmed animal, including any animal of
70 the equine, bovine, or swine class, or other grazing animal, and
71 including aquaculture species raised at a certified aquaculture
72 facility. If the property stolen is aquaculture species raised
73 at a certified aquaculture facility, then a \$10,000 fine shall
74 be imposed.

75 8. Any fire extinguisher.

76 9. Any amount of citrus fruit consisting of 2,000 or more
77 individual pieces of fruit.

78 10. Taken from a designated construction site identified
79 by the posting of a sign as provided for in s. 810.09(2)(d).

80 11. Any stop sign.

81 12. Anhydrous ammonia.

82 (d) It is grand theft of the third degree and a felony of
83 the third degree, punishable as provided in s. 775.082, s.
84 775.083, or s. 775.084, if the property stolen is valued at \$100
85 or more, but less than \$300, and is taken from a dwelling as
86 defined in s. 810.011(2) or from the unenclosed curtilage of a
87 dwelling pursuant to s. 810.09(1).



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

93 (3)(a) Theft of any property not specified in subsection
94 (2) is petit theft of the second degree and a misdemeanor of the
95 second degree, punishable as provided in s. 775.082 or s.
96 775.083, and as provided in subsection (5), as applicable.

97 (b) A person who commits petit theft and who has
98 previously been convicted of any theft commits a misdemeanor of
99 the first degree, punishable as provided in s. 775.082 or s.
100 775.083.

101 (c) A person who commits petit theft and who has
102 previously been convicted two or more times of any theft commits
103 a felony of the third degree, punishable as provided in s.
104 775.082 or s. 775.083.

105 (d)1. Every judgment of guilty or not guilty of a petit
106 theft shall be in writing, signed by the judge, and recorded by
107 the clerk of the circuit court. The judge shall cause to be
108 affixed to every such written judgment of guilty of petit theft,
109 in open court and in the presence of such judge, the
110 fingerprints of the defendant against whom such judgment is
111 rendered. Such fingerprints shall be affixed beneath the
112 judge's signature to such judgment. Beneath such fingerprints
113 shall be appended a certificate to the following effect:

114
115 "I hereby certify that the above and foregoing fingerprints
116 on this judgment are the fingerprints of the defendant, _____,
117 and that they were placed thereon by said defendant in my



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118 presence, in open court, this the ____ day of ____, . . .
 119 (year)".

120
 121 Such certificate shall be signed by the judge, whose signature
 122 thereto shall be followed by the word "Judge."

123 2. Any such written judgment of guilty of a petit theft,
 124 or a certified copy thereof, is admissible in evidence in the
 125 courts of this state as prima facie evidence that the
 126 fingerprints appearing thereon and certified by the judge are
 127 the fingerprints of the defendant against whom such judgment of
 128 guilty of a petit theft was rendered.

129 (4) Failure to comply with the terms of a lease when the
 130 lease is for a term of 1 year or longer shall not constitute a
 131 violation of this section unless demand for the return of the
 132 property leased has been made in writing and the lessee has
 133 failed to return the property within 7 days of his or her
 134 receipt of the demand for return of the property. A demand
 135 mailed by certified or registered mail, evidenced by return
 136 receipt, to the last known address of the lessee shall be deemed
 137 sufficient and equivalent to the demand having been received by
 138 the lessee, whether such demand shall be returned undelivered or
 139 not.

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

145 (b) In addition to the penalties prescribed in paragraph
 146 (3)(a), every judgment of guilty of a petit theft for property
 147 described in this subsection shall provide for the suspension of



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148 the convicted person's driver's license. The court shall forward
 149 the driver's license to the Department of Highway Safety and
 150 Motor Vehicles in accordance with s. 322.25.

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

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

155 Section 2. Section 893.033, Florida Statutes, is amended
 156 to read:

157 893.033 Listed chemicals.--The chemicals listed in this
 158 section are included by whatever official, common, usual,
 159 chemical, or trade name designated.

160 (1) PRECURSOR CHEMICALS.--The term "listed precursor
 161 chemical" means a chemical that may be used in manufacturing a
 162 controlled substance in violation of this chapter and is
 163 critical to the creation of the controlled substance, and such
 164 term includes any salt, optical isomer, or salt of an optical
 165 isomer, whenever the existence of such salt, optical isomer, or
 166 salt of optical isomer is possible within the specific chemical
 167 designation. The following are "listed precursor chemicals":

- 168 (a) Anhydrous ammonia.
- 169 (b)~~(a)~~ Anthranilic acid.
- 170 (c)~~(b)~~ Benzyl chloride.
- 171 (d)~~(e)~~ Benzyl cyanide.
- 172 (e)~~(d)~~ Chloroephedrine.
- 173 (f)~~(e)~~ Chloropseudoephedrine.
- 174 (g)~~(f)~~ Ephedrine.
- 175 (h)~~(g)~~ Ergonovine.
- 176 (i)~~(h)~~ Ergotamine.
- 177 (j)~~(i)~~ Ethylamine.



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- 178 (k)~~(j)~~ Isosafrole.
- 179 (l)~~(k)~~ Methylamine.
- 180 (m)~~(l)~~ 3, 4-Methylenedioxyphenyl-2-propanone.
- 181 (n)~~(m)~~ N-acetylanthranilic acid.
- 182 (o)~~(n)~~ N-ethylephedrine.
- 183 (p)~~(o)~~ N-ethylpseudoephedrine.
- 184 (q)~~(p)~~ N-methylephedrine.
- 185 (r)~~(q)~~ N-methylpseudoephedrine.
- 186 (s)~~(r)~~ Norpseudoephedrine.
- 187 (t)~~(s)~~ Phenylacetic acid.
- 188 (u)~~(t)~~ Phenylpropanolamine.
- 189 (v)~~(u)~~ Piperidine.
- 190 (w)~~(v)~~ Piperonal.
- 191 (x)~~(w)~~ Propionic anhydride.
- 192 (y)~~(x)~~ Pseudoephedrine.
- 193 (z)~~(y)~~ Safrole.

194 (2) ESSENTIAL CHEMICALS.--The term "listed essential
 195 chemical" means a chemical that may be used as a solvent,
 196 reagent, or catalyst in manufacturing a controlled substance in
 197 violation of this chapter. The following are "listed essential
 198 chemicals":

- 199 (a) Acetic anhydride.
- 200 (b) Acetone.
- 201 (c) 2-Butanone.
- 202 (d) Ethyl ether.
- 203 (e) Hydriodic acid.
- 204 (f) Potassium permanganate.
- 205 (g) Toluene.

206 Section 3. Section 893.149, Florida Statutes, is reenacted
 207 to read:



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208 893.149 Unlawful possession of listed chemical.--

209 (1) It is unlawful for any person to knowingly or
210 intentionally:

211 (a) Possess a listed chemical with the intent to
212 unlawfully manufacture a controlled substance;

213 (b) Possess or distribute a listed chemical knowing, or
214 having reasonable cause to believe, that the listed chemical
215 will be used to unlawfully manufacture a controlled substance.

216 (2) Any person who violates this section is guilty of a
217 felony of the second degree, punishable as provided in s.
218 775.082, s. 775.083, or s. 775.084.

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