

Bill No. CS for SB 138

Amendment No. \_\_\_\_ Barcode 563456

CHAMBER ACTION

Senate

House

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Senator Lynn moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Statewide Study Commission on Cargo Theft and Trucking Security.--

(1) For the purposes of this section, the term "commission" means the Statewide Study Commission on Cargo Theft and Trucking Security.

(2) The Legislature finds that the theft of cargo from commercial trucking vehicles, as well as the theft of the vehicles, in this state are increasing. Losses from these thefts have a considerable negative impact on businesses and commerce in this state. The Legislature further finds that the creation of a Statewide Study Commission on Cargo Theft and Trucking Security issues to collect information and testimony would be of benefit to the state and to the Legislature in determining appropriate safety and homeland security measures. The purpose of the commission is to address cargo theft

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1 issues, including, but not limited to, measures that would  
2 mandate action by the trucking industry.

3 (3) The Statewide Study Commission on Cargo Theft and  
4 Trucking Security is created and is assigned to the Department  
5 of Transportation for administrative and fiscal purposes only.  
6 The commission shall be staffed by the Office of Motor Carrier  
7 Compliance in the Department of Transportation.

8 (4) The commission shall consist of eight members,  
9 including:

10 (a) A member of the trucking industry in this state  
11 who is not a member of the Florida Trucking Association or the  
12 American Trucking Association, appointed by the Governor.

13 (b) A member of the Senate appointed by the President  
14 of the Senate.

15 (c) A member of the House of Representatives appointed  
16 by the Speaker of the House of Representatives.

17 (d) The Director of the Office of Motor Carrier  
18 Compliance in the Department of Transportation or the  
19 director's designee.

20 (e) The President of the Florida Sheriff's Association  
21 or the president's designee.

22 (f) The President of the Florida Trucking Association  
23 or the president's designee.

24 (g) The head of the Tactical Operations Multi-Agency  
25 Cargo Anti-Theft Task Force or that person's designee.

26 (h) The President of the Florida Retail Federation or  
27 the president's designee.

28 (5) Members of the commission who are subject to  
29 appointment must be appointed by May 1, 2004. All members of  
30 the commission shall convene by June 1, 2004, to organize and  
31 select a chairperson for the commission. The director of the

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1 Office of Motor Carrier Compliance in the Department of  
2 Transportation shall set the first meeting date. The  
3 chairperson of the commission shall set the dates of  
4 subsequent meetings.

5       (6) A vacancy of an appointed member of the commission  
6 shall be filled in the same manner as the original  
7 appointment. A vacancy of a member who may select a designee  
8 shall be filled by the member's selected designee, or, if the  
9 vacancy concerns a member's selected designee, shall be filled  
10 by the member or another designee selected by the member.

11 Vacancies must be filled as soon as possible.

12       (7) The commission shall hold its meetings within the  
13 state. Meetings of the commission shall be open to the public.

14       (8) Members of the commission shall serve without  
15 compensation but are entitled to receive reimbursement for  
16 travel and per diem expenses, as provided by section 112.061,  
17 Florida Statutes, while carrying out official business of the  
18 commission.

19       (9) The commission shall examine issues related to  
20 cargo theft and trucking security and shall make findings and  
21 recommendations on matters including, but not limited to:

22           (a) The scope and breadth of the cargo theft problem  
23 in this state.

24           (b) The costs and benefits of mandating that security  
25 devices be installed on certain vehicles; the parameters of  
26 such a potential mandate; and the potential effects of any  
27 such mandate on the efficient flow of commerce in this state.

28           (c) The use of technological advances to protect cargo  
29 shipments.

30           (d) Recommended language for legislation addressing  
31 cargo theft and trucking security, if necessary for

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1 consideration by the Legislature.

2 (e) Best practices regarding trucking security which  
3 are used by industry and other private-sector entities and by  
4 public-sector entities.

5 (10) The commission shall state its findings and  
6 recommendations in an official report that is adopted by the  
7 commission members and transmitted to the Governor, the  
8 President of the Senate, and the Speaker of the House of  
9 Representatives by January 1, 2005. If the commission  
10 recommends legislation, the report shall include an appendix  
11 containing a draft of legislation proposed by the commission.  
12 The commission shall automatically expire upon submission of  
13 its report to the Governor and the Legislature.

14 Section 2. Subsections (1) and (2) of section 812.014,  
15 Florida Statutes, are amended to read:

16 812.014 Theft.--

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

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

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

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

28 2. If the property stolen is a semitrailer as defined  
29 in s. 316.003, which was deployed by a law enforcement agency,  
30 or is cargo valued at \$50,000 or more that has entered the

31 stream of interstate or intrastate commerce from the shipper's

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

31 (c) It is grand theft of the third degree and a felony

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1 of the third degree, punishable as provided in s. 775.082, s.  
 2 775.083, or s. 775.084, if the property stolen is:

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

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

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

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

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

30 (e) Except as provided in paragraph (d), if the  
 31 property stolen is valued at \$100 or more, but less than \$300,

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1 the offender commits petit theft of the first degree,  
2 punishable as a misdemeanor of the first degree, as provided  
3 in s. 775.082 or s. 775.083.

4 Section 3. Section 812.0147, Florida Statutes, is  
5 created to read:

6 812.0147 Unlawful possession or use of a fifth  
7 wheel.--

8 (1) It is unlawful for any person to modify, alter, or  
9 attempt to alter, or, if altered, to sell, possess, offer for  
10 sale, move, or cause to be moved onto the highways of this  
11 state a fifth wheel, with the intent to use the altered fifth  
12 wheel to commit or attempt to commit theft. For the purposes  
13 of this section, the term "fifth wheel" applies only to a  
14 fifth wheel on a truck tractor as defined in s. 320.01.

15 (2) A person who violates subsection (1) commits a  
16 felony of the second degree, punishable as provided in s.  
17 775.082, s. 775.083, or s. 775.084.

18 Section 4. Paragraphs (f), (g), (h), and (i) of  
19 subsection (3) of section 921.0022, Florida Statutes, are  
20 amended to read:

21 921.0022 Criminal Punishment Code; offense severity  
22 ranking chart.--

23 (3) OFFENSE SEVERITY RANKING CHART

24			
25	Florida	Felony	
26	Statute	Degree	Description
27			
28			
29			(f) LEVEL 6
30	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
31			conviction.

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1	499.0051(3)	2nd	Forgery of pedigree papers.
2	499.0051(4)	2nd	Purchase or receipt of legend
3			drug from unauthorized person.
4	499.0051(5)	2nd	Sale of legend drug to
5			unauthorized person.
6	775.0875(1)	3rd	Taking firearm from law
7			enforcement officer.
8	775.21(10)	3rd	Sexual predators; failure to
9			register; failure to renew
10			driver's license or
11			identification card.
12	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
13			without intent to kill.
14	784.021(1)(b)	3rd	Aggravated assault; intent to
15			commit felony.
16	784.041	3rd	Felony battery.
17	784.048(3)	3rd	Aggravated stalking; credible
18			threat.
19	784.048(5)	3rd	Aggravated stalking of person
20			under 16.
21	784.07(2)(c)	2nd	Aggravated assault on law
22			enforcement officer.
23	784.074(1)(b)	2nd	Aggravated assault on sexually
24			violent predators facility staff.
25	784.08(2)(b)	2nd	Aggravated assault on a person 65
26			years of age or older.
27	784.081(2)	2nd	Aggravated assault on specified
28			official or employee.
29	784.082(2)	2nd	Aggravated assault by detained
30			person on visitor or other
31			detainee.



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1	784.083(2)	2nd	Aggravated assault on code
2			inspector.
3	787.02(2)	3rd	False imprisonment; restraining
4			with purpose other than those in
5			s. 787.01.
6	790.115(2)(d)	2nd	Discharging firearm or weapon on
7			school property.
8	790.161(2)	2nd	Make, possess, or throw
9			destructive device with intent to
10			do bodily harm or damage
11			property.
12	790.164(1)	2nd	False report of deadly explosive,
13			weapon of mass destruction, or
14			act of arson or violence to state
15			property.
16	790.19	2nd	Shooting or throwing deadly
17			missiles into dwellings, vessels,
18			or vehicles.
19	794.011(8)(a)	3rd	Solicitation of minor to
20			participate in sexual activity by
21			custodial adult.
22	794.05(1)	2nd	Unlawful sexual activity with
23			specified minor.
24	800.04(5)(d)	3rd	Lewd or lascivious molestation;
25			victim 12 years of age or older
26			but less than 16 years; offender
27			less than 18 years.
28	800.04(6)(b)	2nd	Lewd or lascivious conduct;
29			offender 18 years of age or
30			older.
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1	806.031(2)	2nd	Arson resulting in great bodily
2			harm to firefighter or any other
3			person.
4	810.02(3)(c)	2nd	Burglary of occupied structure;
5			unarmed; no assault or battery.
6	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
7			but less than \$100,000, grand
8			theft in 2nd degree.
9	<del>812.014(2)(b)2.</del>	<del>2nd</del>	<del>Property stolen; cargo valued at</del>
10			<del>less than \$50,000, grand theft in</del>
11			<del>2nd degree.</del>
12	812.015(9)	2nd	Retail theft; property stolen
13			\$300 or more; second or
14			subsequent conviction.
15	812.13(2)(c)	2nd	Robbery, no firearm or other
16			weapon (strong-arm robbery).
17	817.034(4)(a)1.	1st	Communications fraud, value
18			greater than \$50,000.
19	817.4821(5)	2nd	Possess cloning paraphernalia
20			with intent to create cloned
21			cellular telephones.
22	825.102(1)	3rd	Abuse of an elderly person or
23			disabled adult.
24	825.102(3)(c)	3rd	Neglect of an elderly person or
25			disabled adult.
26	825.1025(3)	3rd	Lewd or lascivious molestation of
27			an elderly person or disabled
28			adult.
29	825.103(2)(c)	3rd	Exploiting an elderly person or
30			disabled adult and property is
31			valued at less than \$20,000.

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1	827.03(1)	3rd	Abuse of a child.
2	827.03(3)(c)	3rd	Neglect of a child.
3	827.071(2)&(3)	2nd	Use or induce a child in a sexual
4			performance, or promote or direct
5			such performance.
6	836.05	2nd	Threats; extortion.
7	836.10	2nd	Written threats to kill or do
8			bodily injury.
9	843.12	3rd	Aids or assists person to escape.
10	847.0135(3)	3rd	Solicitation of a child, via a
11			computer service, to commit an
12			unlawful sex act.
13	914.23	2nd	Retaliation against a witness,
14			victim, or informant, with bodily
15			injury.
16	943.0435(9)	3rd	Sex offenders; failure to comply
17			with reporting requirements.
18	944.35(3)(a)2.	3rd	Committing malicious battery upon
19			or inflicting cruel or inhuman
20			treatment on an inmate or
21			offender on community
22			supervision, resulting in great
23			bodily harm.
24	944.40	2nd	Escapes.
25	944.46	3rd	Harboring, concealing, aiding
26			escaped prisoners.
27	944.47(1)(a)5.	2nd	Introduction of contraband
28			(firearm, weapon, or explosive)
29			into correctional facility.
30	951.22(1)	3rd	Intoxicating drug, firearm, or
31			weapon introduced into county

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1			facility.
2			(g) LEVEL 7
3	316.027(1)(b)	2nd	Accident involving death, failure
4			to stop; leaving scene.
5	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
6			injury.
7	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
8			bodily injury.
9	402.319(2)	2nd	Misrepresentation and negligence
10			or intentional act resulting in
11			great bodily harm, permanent
12			disfiguration, permanent
13			disability, or death.
14	409.920(2)	3rd	Medicaid provider fraud.
15	456.065(2)	3rd	Practicing a health care
16			profession without a license.
17	456.065(2)	2nd	Practicing a health care
18			profession without a license
19			which results in serious bodily
20			injury.
21	458.327(1)	3rd	Practicing medicine without a
22			license.
23	459.013(1)	3rd	Practicing osteopathic medicine
24			without a license.
25	460.411(1)	3rd	Practicing chiropractic medicine
26			without a license.
27	461.012(1)	3rd	Practicing podiatric medicine
28			without a license.
29	462.17	3rd	Practicing naturopathy without a
30			license.
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1	463.015(1)	3rd	Practicing optometry without a
2			license.
3	464.016(1)	3rd	Practicing nursing without a
4			license.
5	465.015(2)	3rd	Practicing pharmacy without a
6			license.
7	466.026(1)	3rd	Practicing dentistry or dental
8			hygiene without a license.
9	467.201	3rd	Practicing midwifery without a
10			license.
11	468.366	3rd	Delivering respiratory care
12			services without a license.
13	483.828(1)	3rd	Practicing as clinical laboratory
14			personnel without a license.
15	483.901(9)	3rd	Practicing medical physics
16			without a license.
17	484.013(1)(c)	3rd	Preparing or dispensing optical
18			devices without a prescription.
19	484.053	3rd	Dispensing hearing aids without a
20			license.
21	494.0018(2)	1st	Conviction of any violation of
22			ss. 494.001-494.0077 in which the
23			total money and property
24			unlawfully obtained exceeded
25			\$50,000 and there were five or
26			more victims.
27	560.123(8)(b)1.	3rd	Failure to report currency or
28			payment instruments exceeding
29			\$300 but less than \$20,000 by
30			money transmitter.
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1	560.125(5)(a)	3rd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments exceeding
4			\$300 but less than \$20,000.
5	655.50(10)(b)1.	3rd	Failure to report financial
6			transactions exceeding \$300 but
7			less than \$20,000 by financial
8			institution.
9	782.051(3)	2nd	Attempted felony murder of a
10			person by a person other than the
11			perpetrator or the perpetrator of
12			an attempted felony.
13	782.07(1)	2nd	Killing of a human being by the
14			act, procurement, or culpable
15			negligence of another
16			(manslaughter).
17	782.071	2nd	Killing of human being or viable
18			fetus by the operation of a motor
19			vehicle in a reckless manner
20			(vehicular homicide).
21	782.072	2nd	Killing of a human being by the
22			operation of a vessel in a
23			reckless manner (vessel
24			homicide).
25	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
26			causing great bodily harm or
27			disfigurement.
28	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
29			weapon.
30	784.045(1)(b)	2nd	Aggravated battery; perpetrator
31			aware victim pregnant.

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1	784.048(4)	3rd	Aggravated stalking; violation of
2			injunction or court order.
3	784.07(2)(d)	1st	Aggravated battery on law
4			enforcement officer.
5	784.074(1)(a)	1st	Aggravated battery on sexually
6			violent predators facility staff.
7	784.08(2)(a)	1st	Aggravated battery on a person 65
8			years of age or older.
9	784.081(1)	1st	Aggravated battery on specified
10			official or employee.
11	784.082(1)	1st	Aggravated battery by detained
12			person on visitor or other
13			detainee.
14	784.083(1)	1st	Aggravated battery on code
15			inspector.
16	790.07(4)	1st	Specified weapons violation
17			subsequent to previous conviction
18			of s. 790.07(1) or (2).
19	790.16(1)	1st	Discharge of a machine gun under
20			specified circumstances.
21	790.165(2)	2nd	Manufacture, sell, possess, or
22			deliver hoax bomb.
23	790.165(3)	2nd	Possessing, displaying, or
24			threatening to use any hoax bomb
25			while committing or attempting to
26			commit a felony.
27	790.166(3)	2nd	Possessing, selling, using, or
28			attempting to use a hoax weapon
29			of mass destruction.
30	790.166(4)	2nd	Possessing, displaying, or
31			threatening to use a hoax weapon

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1			of mass destruction while
2			committing or attempting to
3			commit a felony.
4	796.03	2nd	Procuring any person under 16
5			years for prostitution.
6	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
7			victim less than 12 years of age;
8			offender less than 18 years.
9	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			18 years or older.
13	806.01(2)	2nd	Maliciously damage structure by
14			fire or explosive.
15	810.02(3)(a)	2nd	Burglary of occupied dwelling;
16			unarmed; no assault or battery.
17	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(d)	2nd	Burglary of occupied conveyance;
20			unarmed; no assault or battery.
21	812.014(2)(a) <u>1.&amp;3.</u>	1st	Property stolen, valued at
22			\$100,000 or more; <del>cargo stolen</del>
23			<del>valued at \$50,000 or more;</del>
24			property stolen while causing
25			other property damage; 1st degree
26			grand theft.
27	812.014(2)(b)3.	2nd	Property stolen, emergency
28			medical equipment; 2nd degree
29			grand theft.
30	812.0145(2)(a)	1st	Theft from person 65 years of age
31			or older; \$50,000 or more.



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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	817.234(8)(a)	2nd	Solicitation of motor vehicle
9			accident victims with intent to
10			defraud.
11	817.234(9)	2nd	Organizing, planning, or
12			participating in an intentional
13			motor vehicle collision.
14	817.234(11)(c)	1st	Insurance fraud; property value
15			\$100,000 or more.
16	817.2341(2)(b)&		
17	(3)(b)	1st	Making false entries of material
18			fact or false statements
19			regarding property values
20			relating to the solvency of an
21			insuring entity which are a
22			significant cause of the
23			insolvency of that entity.
24	825.102(3)(b)	2nd	Neglecting an elderly person or
25			disabled adult causing great
26			bodily harm, disability, or
27			disfigurement.
28	825.103(2)(b)	2nd	Exploiting an elderly person or
29			disabled adult and property is
30			valued at \$20,000 or more, but
31			less than \$100,000.

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1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	838.015	2nd	Bribery.
11	838.016	2nd	Unlawful compensation or reward
12			for official behavior.
13	838.021(3)(a)	2nd	Unlawful harm to a public
14			servant.
15	838.22	2nd	Bid tampering.
16	872.06	2nd	Abuse of a dead human body.
17	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
18			cocaine (or other drug prohibited
19			under s. 893.03(1)(a), (1)(b),
20			(1)(d), (2)(a), (2)(b), or
21			(2)(c)4.) within 1,000 feet of a
22			child care facility, school, or
23			state, county, or municipal park
24			or publicly owned recreational
25			facility or community center.
26	893.13(1)(e)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
31			property used for religious

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1			services or a specified business
2			site.
3	893.13(4)(a)	1st	Deliver to minor cocaine (or
4			other s. 893.03(1)(a), (1)(b),
5			(1)(d), (2)(a), (2)(b), or
6			(2)(c)4. drugs).
7	893.135(1)(a)1.	1st	Trafficking in cannabis, more
8			than 25 lbs., less than 2,000
9			lbs.
10	893.135		
11	(1)(b)1.a.	1st	Trafficking in cocaine, more than
12			28 grams, less than 200 grams.
13	893.135		
14	(1)(c)1.a.	1st	Trafficking in illegal drugs,
15			more than 4 grams, less than 14
16			grams.
17	893.135		
18	(1)(d)1.	1st	Trafficking in phencyclidine,
19			more than 28 grams, less than 200
20			grams.
21	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
22			than 200 grams, less than 5
23			kilograms.
24	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
25			than 14 grams, less than 28
26			grams.
27	893.135		
28	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
29			grams or more, less than 14
30			grams.
31			

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1	893.135		
2	(1)(h)1.a.	1st	Trafficking in
3			gamma-hydroxybutyric acid (GHB),
4			1 kilogram or more, less than 5
5			kilograms.
6	893.135		
7	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
8			kilogram or more, less than 5
9			kilograms.
10	893.135		
11	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
12			10 grams or more, less than 200
13			grams.
14	896.101(5)(a)	3rd	Money laundering, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	896.104(4)(a)1.	3rd	Structuring transactions to evade
18			reporting or registration
19			requirements, financial
20			transactions exceeding \$300 but
21			less than \$20,000.
22			(h) LEVEL 8
23	316.193		
24	(3)(c)3.a.	2nd	DUI manslaughter.
25	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
26	499.0051(7)	1st	Forgery of prescription or legend
27			drug labels.
28	499.0052	1st	Trafficking in contraband legend
29			drugs.
30	560.123(8)(b)2.	2nd	Failure to report currency or
31			payment instruments totaling or

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1			exceeding \$20,000, but less than
2			\$100,000 by money transmitter.
3	560.125(5)(b)	2nd	Money transmitter business by
4			unauthorized person, currency or
5			payment instruments totaling or
6			exceeding \$20,000, but less than
7			\$100,000.
8	655.50(10)(b)2.	2nd	Failure to report financial
9			transactions totaling or
10			exceeding \$20,000, but less than
11			\$100,000 by financial
12			institutions.
13	777.03(2)(a)	1st	Accessory after the fact, capital
14			felony.
15	782.04(4)	2nd	Killing of human without design
16			when engaged in act or attempt of
17			any felony other than arson,
18			sexual battery, robbery,
19			burglary, kidnapping, aircraft
20			piracy, or unlawfully discharging
21			bomb.
22	782.051(2)	1st	Attempted felony murder while
23			perpetrating or attempting to
24			perpetrate a felony not
25			enumerated in s. 782.04(3).
26	782.071(1)(b)	1st	Committing vehicular homicide and
27			failing to render aid or give
28			information.
29	782.072(2)	1st	Committing vessel homicide and
30			failing to render aid or give
31			information.

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1	790.161(3)	1st	Discharging a destructive device
2			which results in bodily harm or
3			property damage.
4	794.011(5)	2nd	Sexual battery, victim 12 years
5			or over, offender does not use
6			physical force likely to cause
7			serious injury.
8	800.04(4)	2nd	Lewd or lascivious battery.
9	806.01(1)	1st	Maliciously damage dwelling or
10			structure by fire or explosive,
11			believing person in structure.
12	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
13	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
14			or dangerous weapon.
15	810.02(2)(c)	1st	Burglary of a dwelling or
16			structure causing structural
17			damage or \$1,000 or more property
18			damage.
19	<u>812.014(2)(b)2.</u>	<u>2nd</u>	<u>Property stolen; cargo valued at</u>
20			<u>less than \$50,000; 2nd degree</u>
21			<u>grand theft.</u>
22	812.13(2)(b)	1st	Robbery with a weapon.
23	812.135(2)	1st	Home-invasion robbery.
24	817.568(6)	2nd	Fraudulent use of personal
25			identification information of an
26			individual under the age of 18.
27	825.102(2)	2nd	Aggravated abuse of an elderly
28			person or disabled adult.
29	825.1025(2)	2nd	Lewd or lascivious battery upon
30			an elderly person or disabled
31			adult.

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1	825.103(2)(a)	1st	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$100,000 or more.
4	837.02(2)	2nd	Perjury in official proceedings
5			relating to prosecution of a
6			capital felony.
7	837.021(2)	2nd	Making contradictory statements
8			in official proceedings relating
9			to prosecution of a capital
10			felony.
11	860.121(2)(c)	1st	Shooting at or throwing any
12			object in path of railroad
13			vehicle resulting in great bodily
14			harm.
15	860.16	1st	Aircraft piracy.
16	893.13(1)(b)	1st	Sell or deliver in excess of 10
17			grams of any substance specified
18			in s. 893.03(1)(a) or (b).
19	893.13(2)(b)	1st	Purchase in excess of 10 grams of
20			any substance specified in s.
21			893.03(1)(a) or (b).
22	893.13(6)(c)	1st	Possess in excess of 10 grams of
23			any substance specified in s.
24			893.03(1)(a) or (b).
25	893.135(1)(a)2.	1st	Trafficking in cannabis, more
26			than 2,000 lbs., less than 10,000
27			lbs.
28	893.135		
29	(1)(b)1.b.	1st	Trafficking in cocaine, more than
30			200 grams, less than 400 grams.
31			

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1	893.135		
2	(1)(c)1.b.	1st	Trafficking in illegal drugs,
3			more than 14 grams, less than 28
4			grams.
5	893.135		
6	(1)(d)1.b.	1st	Trafficking in phencyclidine,
7			more than 200 grams, less than
8			400 grams.
9	893.135		
10	(1)(e)1.b.	1st	Trafficking in methaqualone, more
11			than 5 kilograms, less than 25
12			kilograms.
13	893.135		
14	(1)(f)1.b.	1st	Trafficking in amphetamine, more
15			than 28 grams, less than 200
16			grams.
17	893.135		
18	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
19			grams or more, less than 28
20			grams.
21	893.135		
22	(1)(h)1.b.	1st	Trafficking in
23			gamma-hydroxybutyric acid (GHB),
24			5 kilograms or more, less than 10
25			kilograms.
26	893.135		
27	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
28			kilograms or more, less than 10
29			kilograms.
30	893.135		
31	(1)(k)2.b.	1st	Trafficking in Phenethylamines,



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1			200 grams or more, less than 400
2			grams.
3	895.03(1)	1st	Use or invest proceeds derived
4			from pattern of racketeering
5			activity.
6	895.03(2)	1st	Acquire or maintain through
7			racketeering activity any
8			interest in or control of any
9			enterprise or real property.
10	895.03(3)	1st	Conduct or participate in any
11			enterprise through pattern of
12			racketeering activity.
13	896.101(5)(b)	2nd	Money laundering, financial
14			transactions totaling or
15			exceeding \$20,000, but less than
16			\$100,000.
17	896.104(4)(a)2.	2nd	Structuring transactions to evade
18			reporting or registration
19			requirements, financial
20			transactions totaling or
21			exceeding \$20,000 but less than
22			\$100,000.
23			(i) LEVEL 9
24	316.193		
25	(3)(c)3.b.	1st	DUI manslaughter; failing to
26			render aid or give information.
27	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
28			render aid or give information.
29	499.0053	1st	Sale or purchase of contraband
30			legend drugs resulting in great
31			bodily harm.

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1	560.123(8)(b)3.	1st	Failure to report currency or
2			payment instruments totaling or
3			exceeding \$100,000 by money
4			transmitter.
5	560.125(5)(c)	1st	Money transmitter business by
6			unauthorized person, currency, or
7			payment instruments totaling or
8			exceeding \$100,000.
9	655.50(10)(b)3.	1st	Failure to report financial
10			transactions totaling or
11			exceeding \$100,000 by financial
12			institution.
13	775.0844	1st	Aggravated white collar crime.
14	782.04(1)	1st	Attempt, conspire, or solicit to
15			commit premeditated murder.
16	782.04(3)	1st,PBL	Accomplice to murder in
17			connection with arson, sexual
18			battery, robbery, burglary, and
19			other specified felonies.
20	782.051(1)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony enumerated in
23			s. 782.04(3).
24	782.07(2)	1st	Aggravated manslaughter of an
25			elderly person or disabled adult.
26	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
27			reward or as a shield or hostage.
28	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
29			or facilitate commission of any
30			felony.
31			

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1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			aggravated child abuse, sexual
8			battery, or lewd or lascivious
9			battery, molestation, conduct, or
10			exhibition.
11	790.161	1st	Attempted capital destructive
12			device offense.
13	790.166(2)	1st,PBL	Possessing, selling, using, or
14			attempting to use a weapon of
15			mass destruction.
16	794.011(2)	1st	Attempted sexual battery; victim
17			less than 12 years of age.
18	794.011(2)	Life	Sexual battery; offender younger
19			than 18 years and commits sexual
20			battery on a person less than 12
21			years.
22	794.011(4)	1st	Sexual battery; victim 12 years
23			or older, certain circumstances.
24	794.011(8)(b)	1st	Sexual battery; engage in sexual
25			conduct with minor 12 to 18 years
26			by person in familial or
27			custodial authority.
28	800.04(5)(b)	1st	Lewd or lascivious molestation;
29			victim less than 12 years;
30			offender 18 years or older.
31			

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1	<u>812.014(2)(a)2.</u>	<u>1st</u>	<u>Property stolen; semi-trailer</u>
2			<u>deployed by law enforcement</u>
3			<u>agency or cargo valued at \$50,000</u>
4			<u>or more; 1st degree grand theft.</u>
5	812.13(2)(a)	1st,PBL	Robbery with firearm or other
6			deadly weapon.
7	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
8			deadly weapon.
9	817.568(7)	2nd,PBL	Fraudulent use of personal
10			identification information of an
11			individual under the age of 18 by
12			his or her parent, legal
13			guardian, or person exercising
14			custodial authority.
15	827.03(2)	1st	Aggravated child abuse.
16	847.0145(1)	1st	Selling, or otherwise
17			transferring custody or control,
18			of a minor.
19	847.0145(2)	1st	Purchasing, or otherwise
20			obtaining custody or control, of
21			a minor.
22	859.01	1st	Poisoning or introducing
23			bacteria, radioactive materials,
24			viruses, or chemical compounds
25			into food, drink, medicine, or
26			water with intent to kill or
27			injure another person.
28	893.135	1st	Attempted capital trafficking
29			offense.
30	893.135(1)(a)3.	1st	Trafficking in cannabis, more
31			than 10,000 lbs.

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1	893.135		
2	(1)(b)1.c.	1st	Trafficking in cocaine, more than
3			400 grams, less than 150
4			kilograms.
5	893.135		
6	(1)(c)1.c.	1st	Trafficking in illegal drugs,
7			more than 28 grams, less than 30
8			kilograms.
9	893.135		
10	(1)(d)1.c.	1st	Trafficking in phencyclidine,
11			more than 400 grams.
12	893.135		
13	(1)(e)1.c.	1st	Trafficking in methaqualone, more
14			than 25 kilograms.
15	893.135		
16	(1)(f)1.c.	1st	Trafficking in amphetamine, more
17			than 200 grams.
18	893.135		
19	(1)(h)1.c.	1st	Trafficking in
20			gamma-hydroxybutyric acid (GHB),
21			10 kilograms or more.
22	893.135		
23	(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10
24			kilograms or more.
25	893.135		
26	(1)(k)2.c.	1st	Trafficking in Phenethylamines,
27			400 grams or more.
28	896.101(5)(c)	1st	Money laundering, financial
29			instruments totaling or exceeding
30			\$100,000.
31			

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1 896.104(4)(a)3. 1st Structuring transactions to evade  
2 reporting or registration  
3 requirements, financial  
4 transactions totaling or  
5 exceeding \$100,000.

6 Section 5. For the purpose of incorporating the  
7 amendment made by this act to section 812.014, Florida  
8 Statutes, in a reference thereto, subsection (17) of section  
9 409.910, Florida Statutes, is reenacted to read:

10 409.910 Responsibility for payments on behalf of  
11 Medicaid-eligible persons when other parties are liable.--

12 (17) A recipient or his or her legal representative or  
13 any person representing, or acting as agent for, a recipient  
14 or the recipient's legal representative, who has notice,  
15 excluding notice charged solely by reason of the recording of  
16 the lien pursuant to paragraph (6)(c), or who has actual  
17 knowledge of the agency's rights to third-party benefits under  
18 this section, who receives any third-party benefit or proceeds  
19 therefrom for a covered illness or injury, is required either  
20 to pay the agency, within 60 days after receipt of settlement  
21 proceeds, the full amount of the third-party benefits, but not  
22 in excess of the total medical assistance provided by  
23 Medicaid, or to place the full amount of the third-party  
24 benefits in a trust account for the benefit of the agency  
25 pending judicial or administrative determination of the  
26 agency's right thereto. Proof that any such person had notice  
27 or knowledge that the recipient had received medical  
28 assistance from Medicaid, and that third-party benefits or  
29 proceeds therefrom were in any way related to a covered  
30 illness or injury for which Medicaid had provided medical  
31 assistance, and that any such person knowingly obtained

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1 possession or control of, or used, third-party benefits or  
2 proceeds and failed either to pay the agency the full amount  
3 required by this section or to hold the full amount of  
4 third-party benefits or proceeds in trust pending judicial or  
5 administrative determination, unless adequately explained,  
6 gives rise to an inference that such person knowingly failed  
7 to credit the state or its agent for payments received from  
8 social security, insurance, or other sources, pursuant to s.  
9 414.39(4)(b), and acted with the intent set forth in s.  
10 812.014(1).

11 (a) In cases of suspected criminal violations or  
12 fraudulent activity, the agency may take any civil action  
13 permitted at law or equity to recover the greatest possible  
14 amount, including, without limitation, treble damages under  
15 ss. 772.11 and 812.035(7).

16 (b) The agency is authorized to investigate and to  
17 request appropriate officers or agencies of the state to  
18 investigate suspected criminal violations or fraudulent  
19 activity related to third-party benefits, including, without  
20 limitation, ss. 414.39 and 812.014. Such requests may be  
21 directed, without limitation, to the Medicaid Fraud Control  
22 Unit of the Office of the Attorney General, or to any state  
23 attorney. Pursuant to s. 409.913, the Attorney General has  
24 primary responsibility to investigate and control Medicaid  
25 fraud.

26 (c) In carrying out duties and responsibilities  
27 related to Medicaid fraud control, the agency may subpoena  
28 witnesses or materials within or outside the state and,  
29 through any duly designated employee, administer oaths and  
30 affirmations and collect evidence for possible use in either  
31 civil or criminal judicial proceedings.

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1 (d) All information obtained and documents prepared  
2 pursuant to an investigation of a Medicaid recipient, the  
3 recipient's legal representative, or any other person relating  
4 to an allegation of recipient fraud or theft is confidential  
5 and exempt from s. 119.07(1):

6 1. Until such time as the agency takes final agency  
7 action;

8 2. Until such time as the Department of Legal Affairs  
9 refers the case for criminal prosecution;

10 3. Until such time as an indictment or criminal  
11 information is filed by a state attorney in a criminal case;  
12 or

13 4. At all times if otherwise protected by law.

14 Section 6. For the purpose of incorporating the  
15 amendment made by this act to section 812.014, Florida  
16 Statutes, in a reference thereto, subsection (2) of section  
17 538.23, Florida Statutes, is reenacted to read:

18 538.23 Violations and penalties.--

19 (2) A secondary metals recycler is presumed to know  
20 upon receipt of stolen regulated metals property in a purchase  
21 transaction that the regulated metals property has been stolen  
22 from another if the secondary metals recycler knowingly and  
23 intentionally fails to maintain the information required in s.  
24 538.19 and shall, upon conviction of a violation of s.  
25 812.015, be punished as provided in s. 812.014(2) or (3).

26 Section 7. For the purpose of incorporating the  
27 amendment made by this act to section 812.014, Florida  
28 Statutes, in a reference thereto, paragraph (a) of subsection  
29 (1) of section 985.227, Florida Statutes, is reenacted to  
30 read:

31 985.227 Prosecution of juveniles as adults by the



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1 direct filing of an information in the criminal division of  
2 the circuit court; discretionary criteria; mandatory  
3 criteria.--

4 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

5 (a) With respect to any child who was 14 or 15 years  
6 of age at the time the alleged offense was committed, the  
7 state attorney may file an information when in the state  
8 attorney's judgment and discretion the public interest  
9 requires that adult sanctions be considered or imposed and  
10 when the offense charged is for the commission of, attempt to  
11 commit, or conspiracy to commit:

12 1. Arson;

13 2. Sexual battery;

14 3. Robbery;

15 4. Kidnapping;

16 5. Aggravated child abuse;

17 6. Aggravated assault;

18 7. Aggravated stalking;

19 8. Murder;

20 9. Manslaughter;

21 10. Unlawful throwing, placing, or discharging of a  
22 destructive device or bomb;

23 11. Armed burglary in violation of s. 810.02(2)(b) or  
24 specified burglary of a dwelling or structure in violation of  
25 s. 810.02(2)(c), or burglary with an assault or battery in  
26 violation of s. 810.02(2)(a);

27 12. Aggravated battery;

28 13. Any lewd or lascivious offense committed upon or  
29 in the presence of a person less than 16 years of age;

30 14. Carrying, displaying, using, threatening, or  
31 attempting to use a weapon or firearm during the commission of

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1 a felony;

2 15. Grand theft in violation of s. 812.014(2)(a);

3 16. Possessing or discharging any weapon or firearm on  
4 school property in violation of s. 790.115;

5 17. Home invasion robbery;

6 18. Carjacking; or

7 19. Grand theft of a motor vehicle in violation of s.  
8 812.014(2)(c)6. or grand theft of a motor vehicle valued at  
9 \$20,000 or more in violation of s. 812.014(2)(b) if the child  
10 has a previous adjudication for grand theft of a motor vehicle  
11 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

12 Section 8. This act shall take effect July 1, 2004,  
13 except that this section and section 1 of this act shall take  
14 effect upon becoming a law.

15  
16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete everything before the enacting clause

20

21 and insert:

22 A bill to be entitled  
23 An act relating to theft; creating the  
24 Statewide Study Commission on Cargo Theft and  
25 Trucking Security; providing legislative  
26 findings in support of creating the commission;  
27 providing for membership; authorizing  
28 reimbursement for travel and per diem expenses  
29 for members while carrying out official  
30 business of the commission; specifying  
31 commission duties; requiring the commission to

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1 report findings and recommendations to the  
2 Governor and to legislative leaders by a  
3 specified date; providing for expiration of the  
4 commission upon the submission of its report;  
5 providing for staffing of the commission;  
6 providing that commission meetings must be held  
7 within the state and must be open to the  
8 public; amending s. 812.014, F.S.; providing  
9 that the theft of a semitrailer deployed by a  
10 law enforcement agency is grand theft of the  
11 first degree, punishable as a felony of the  
12 first degree; creating s. 812.0147, F.S.;

13 providing that it is a felony of the second  
14 degree to commit certain acts involving a fifth  
15 wheel or altered fifth wheel with the intent to  
16 commit or attempt to commit theft; amending s.  
17 921.0022, F.S.; increasing the  
18 offense-severity-level ranking of offenses  
19 involving cargo theft and providing a ranking  
20 for a new offense involving the theft of a  
21 semitrailer deployed by a law enforcement  
22 agency; reenacting s. 409.910(17), F.S.,  
23 relating to the responsibility for certain  
24 payments on behalf of Medicaid-eligible persons  
25 when other parties are liable; reenacting s.  
26 538.23(2), F.S., relating to a presumption of  
27 knowledge about stolen property which is  
28 attributed to a secondary metals recycler in  
29 specified circumstances; reenacting s.  
30 985.227(1)(a), F.S., relating to offenses for  
31 which a state attorney may consider or impose

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1 adult sanctions on a child who was 14 or 15  
2 years of age when the alleged offense was  
3 committed, to incorporate the amendment to s.  
4 812.014, F.S., in references thereto; providing  
5 effective dates.  
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