

By the Committee on Criminal Justice; and Senator Lynn

307-794-04

1 A bill to be entitled
 2 An act relating to theft; amending s. 316.1975,
 3 F.S.; requiring that an unattended semitrailer
 4 have a kingpin locking device attached to the
 5 semitrailer; providing that failing to provide
 6 a locking device is a noncriminal traffic
 7 infraction; creating s. 316.526, F.S.;
 8 requiring that an unattended semitrailer have a
 9 locking device attached; providing that an
 10 unattended semitrailer may be towed under
 11 specified conditions; providing for exceptions;
 12 reenacting s. 812.014(1) and (2), F.S.,
 13 relating to theft; creating s. 812.0147, F.S.;
 14 providing that it is unlawful to possess or use
 15 a fifth wheel to commit or attempt to commit
 16 theft; providing criminal penalties; amending
 17 s. 921.0022, F.S.; reclassifying the offenses
 18 of cargo theft of the first degree and cargo
 19 theft of the second degree under the offense
 20 severity ranking chart of the Criminal
 21 Punishment Code to increase the penalties
 22 imposed for any such offense; providing an
 23 effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Section 316.1975, Florida Statutes, is
 28 amended to read:

29 316.1975 Unattended motor vehicle.--

30 (1) A person driving or in charge of any motor vehicle
 31 may not permit it to stand unattended without first stopping

1 the engine, locking the ignition, and removing the key. A
2 vehicle may not be permitted to stand unattended upon any
3 perceptible grade without stopping the engine and effectively
4 setting the brake thereon and turning the front wheels to the
5 curb or side of the street. A violation of this subsection
6 ~~section~~ is a noncriminal traffic infraction, punishable as a
7 nonmoving violation as provided in chapter 318.

8 (2) A person driving or in charge of a semitrailer may
9 not permit it to stand unattended without complying with
10 subsection (1). If the semitrailer is disconnected and left
11 unattended and free of a truck tractor, a kingpin locking
12 device must be attached to the semitrailer's kingpin. As used
13 in this section, the term "kingpin locking device" means a
14 device designed to slide over and lock the semitrailer's
15 kingpin to prevent the semitrailer from being connected to the
16 fifth wheel of a truck tractor.

17 (3) Any semitrailer, as defined in s. 320.01(5), which
18 is not attached to a truck tractor and which is left
19 unattended on public or private property where the public is
20 an invitee must have a kingpin locking device attached. A
21 violation of this subsection is a noncriminal traffic
22 infraction, punishable as a moving violation as provided in
23 chapter 318.

24 (4)~~(2)~~ This section does not apply to the operator of:

25 (a) An authorized emergency vehicle while in the
26 performance of official duties and the vehicle is equipped
27 with an activated antitheft device that prohibits the vehicle
28 from being driven;

29 (b) A licensed delivery truck or other delivery
30 vehicle while making deliveries; or

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1 (c) A solid waste or recovered materials collection
2 vehicle while collecting such items.

3 Section 2. Section 316.526, Florida Statutes, is
4 created to read:

5 316.526 Security devices required.--

6 (1) A driver or other person responsible for a
7 semitrailer, as defined in s. 320.01(5), which is used in
8 commerce, who allows the semitrailer to be parked unattended
9 without being attached to a motor vehicle, must ensure that
10 the semitrailer is secured by a locking device that prohibits
11 the unauthorized movement of the semitrailer.

12 (2) Any unattended semitrailer found without the
13 required locking device may be towed to a secure facility by a
14 commercial towing service acting at the direction of a law
15 enforcement officer. The owner or carrier operating the
16 semitrailer shall be responsible for reasonable towing fees,
17 not to exceed \$300, which are incurred to tow and secure the
18 semitrailer for a period not exceeding 24 hours.

19 (3) Subsections (1) and (2) do not apply when a
20 semitrailer is:

21 (a) Used to transport agricultural or forestry
22 products when parked at a harvest site.

23 (b) Parked at a terminal as defined in s. 316.003.

24 (c) Displayed for sale, lease, or rent by a licensed
25 dealer.

26 (d) An empty trailer.

27 Section 3. Subsections (1) and (2) of section 812.014,
28 Florida Statutes, are reenacted to read:

29 812.014 Theft.--

30 (1) A person commits theft if he or she knowingly
31 obtains or uses, or endeavors to obtain or to use, the

1 property of another with intent to, either temporarily or
2 permanently:

3 (a) Deprive the other person of a right to the
4 property or a benefit from the property.

5 (b) Appropriate the property to his or her own use or
6 to the use of any person not entitled to the use of the
7 property.

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

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

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

15 a. In the course of committing the offense the
16 offender uses a motor vehicle as an instrumentality, other
17 than merely as a getaway vehicle, to assist in committing the
18 offense and thereby damages the real property of another; or

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

22
23 the offender commits grand theft in the first degree,
24 punishable as a felony of the first degree, as provided in s.
25 775.082, s. 775.083, or s. 775.084.

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

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

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

5
6 the offender commits grand theft in the second degree,
7 punishable as a felony of the second degree, as provided in s.
8 775.082, s. 775.083, or s. 775.084. Emergency medical
9 equipment means mechanical or electronic apparatus used to
10 provide emergency services and care as defined in s.
11 395.002(10) or to treat medical emergencies.

12 (c) It is grand theft of the third degree and a felony
13 of the third degree, punishable as provided in s. 775.082, s.
14 775.083, or s. 775.084, if the property stolen is:

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

22 7. Any commercially farmed animal, including any
23 animal of the equine, bovine, or swine class, or other grazing
24 animal, and including aquaculture species raised at a
25 certified aquaculture facility. If the property stolen is
26 aquaculture species raised at a certified aquaculture
27 facility, then a \$10,000 fine shall be imposed.

28 8. Any fire extinguisher.

29 9. Any amount of citrus fruit consisting of 2,000 or
30 more individual pieces of fruit.

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1 10. Taken from a designated construction site
2 identified by the posting of a sign as provided for in s.
3 810.09(2)(d).

4 11. Any stop sign.

5 12. Anyhydrous ammonia.

6 (d) It is grand theft of the third degree and a felony
7 of the third degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084, if the property stolen is valued at
9 \$100 or more, but less than \$300, and is taken from a dwelling
10 as defined in s. 810.011(2) or from the unenclosed curtilage
11 of a dwelling pursuant to s. 810.09(1).

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

17 Section 4. Section 812.0147, Florida Statutes, is
18 created to read:

19 812.0147 Unlawful possession or use of a fifth
20 wheel.--

21 (1) It is unlawful for any person to modify, alter,
22 attempt to alter, and if altered, to sell, possess, offer for
23 sale, move, or caused to be moved onto the highways of this
24 state a device known as a fifth wheel with the intent to use
25 the fifth wheel to commit or attempt to commit theft. For the
26 purpose of this section, the term "fifth wheel" applies only
27 to a fifth wheel on a heavy commercial motor vehicle.

28 (2) Any person who violates subsection (1) commits a
29 felony of the second degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

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1 Section 5. Paragraphs (f), (g), and (h) of subsection
2 (3) of section 921.0022, Florida Statutes, are amended to
3 read:

4 921.0022 Criminal Punishment Code; offense severity
5 ranking chart.--

6 (3) OFFENSE SEVERITY RANKING CHART

7	8 Florida	9 Statute	10 Felony	11 Degree	12 Description
13					(f) LEVEL 6
14		316.193(2)(b)		3rd	Felony DUI, 4th or subsequent conviction.
15		499.0051(3)		2nd	Forgery of pedigree papers.
16		499.0051(4)		2nd	Purchase or receipt of legend drug from unauthorized person.
17					
18		499.0051(5)		2nd	Sale of legend drug to unauthorized person.
19					
20		775.0875(1)		3rd	Taking firearm from law enforcement officer.
21					
22		775.21(10)		3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
23					
24					
25					
26		784.021(1)(a)		3rd	Aggravated assault; deadly weapon without intent to kill.
27					
28		784.021(1)(b)		3rd	Aggravated assault; intent to commit felony.
29					
30		784.041		3rd	Felony battery.
31					

1	784.048(3)	3rd	Aggravated stalking; credible
2			threat.
3	784.048(5)	3rd	Aggravated stalking of person
4			under 16.
5	784.07(2)(c)	2nd	Aggravated assault on law
6			enforcement officer.
7	784.074(1)(b)	2nd	Aggravated assault on sexually
8			violent predators facility staff.
9	784.08(2)(b)	2nd	Aggravated assault on a person 65
10			years of age or older.
11	784.081(2)	2nd	Aggravated assault on specified
12			official or employee.
13	784.082(2)	2nd	Aggravated assault by detained
14			person on visitor or other
15			detainee.
16	784.083(2)	2nd	Aggravated assault on code
17			inspector.
18	787.02(2)	3rd	False imprisonment; restraining
19			with purpose other than those in
20			s. 787.01.
21	790.115(2)(d)	2nd	Discharging firearm or weapon on
22			school property.
23	790.161(2)	2nd	Make, possess, or throw
24			destructive device with intent to
25			do bodily harm or damage
26			property.
27	790.164(1)	2nd	False report of deadly explosive,
28			weapon of mass destruction, or
29			act of arson or violence to state
30			property.
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1	790.19	2nd	Shooting or throwing deadly
2			missiles into dwellings, vessels,
3			or vehicles.
4	794.011(8)(a)	3rd	Solicitation of minor to
5			participate in sexual activity by
6			custodial adult.
7	794.05(1)	2nd	Unlawful sexual activity with
8			specified minor.
9	800.04(5)(d)	3rd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			less than 18 years.
13	800.04(6)(b)	2nd	Lewd or lascivious conduct;
14			offender 18 years of age or
15			older.
16	806.031(2)	2nd	Arson resulting in great bodily
17			harm to firefighter or any other
18			person.
19	810.02(3)(c)	2nd	Burglary of occupied structure;
20			unarmed; no assault or battery.
21	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
22			but less than \$100,000, grand
23			theft in 2nd degree.
24	812.014(2)(b)2.	2nd	Property stolen; cargo valued at
25			less than \$50,000, grand theft in
26			2nd degree.
27	812.015(9)	2nd	Retail theft; property stolen
28			\$300 or more; second or
29			subsequent conviction.
30	812.13(2)(c)	2nd	Robbery, no firearm or other
31			weapon (strong-arm robbery).

1	817.034(4)(a)1.	1st	Communications fraud, value
2			greater than \$50,000.
3	817.4821(5)	2nd	Possess cloning paraphernalia
4			with intent to create cloned
5			cellular telephones.
6	825.102(1)	3rd	Abuse of an elderly person or
7			disabled adult.
8	825.102(3)(c)	3rd	Neglect of an elderly person or
9			disabled adult.
10	825.1025(3)	3rd	Lewd or lascivious molestation of
11			an elderly person or disabled
12			adult.
13	825.103(2)(c)	3rd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at less than \$20,000.
16	827.03(1)	3rd	Abuse of a child.
17	827.03(3)(c)	3rd	Neglect of a child.
18	827.071(2)&(3)	2nd	Use or induce a child in a sexual
19			performance, or promote or direct
20			such performance.
21	836.05	2nd	Threats; extortion.
22	836.10	2nd	Written threats to kill or do
23			bodily injury.
24	843.12	3rd	Aids or assists person to escape.
25	847.0135(3)	3rd	Solicitation of a child, via a
26			computer service, to commit an
27			unlawful sex act.
28	914.23	2nd	Retaliation against a witness,
29			victim, or informant, with bodily
30			injury.
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1	943.0435(9)	3rd	Sex offenders; failure to comply
2			with reporting requirements.
3	944.35(3)(a)2.	3rd	Committing malicious battery upon
4			or inflicting cruel or inhuman
5			treatment on an inmate or
6			offender on community
7			supervision, resulting in great
8			bodily harm.
9	944.40	2nd	Escapes.
10	944.46	3rd	Harboring, concealing, aiding
11			escaped prisoners.
12	944.47(1)(a)5.	2nd	Introduction of contraband
13			(firearm, weapon, or explosive)
14			into correctional facility.
15	951.22(1)	3rd	Intoxicating drug, firearm, or
16			weapon introduced into county
17			facility.
18			(g) LEVEL 7
19	316.027(1)(b)	2nd	Accident involving death, failure
20			to stop; leaving scene.
21	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
22			injury.
23	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
24			bodily injury.
25	402.319(2)	2nd	Misrepresentation and negligence
26			or intentional act resulting in
27			great bodily harm, permanent
28			disfiguration, permanent
29			disability, or death.
30	409.920(2)	3rd	Medicaid provider fraud.
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1	456.065(2)	3rd	Practicing a health care
2			profession without a license.
3	456.065(2)	2nd	Practicing a health care
4			profession without a license
5			which results in serious bodily
6			injury.
7	458.327(1)	3rd	Practicing medicine without a
8			license.
9	459.013(1)	3rd	Practicing osteopathic medicine
10			without a license.
11	460.411(1)	3rd	Practicing chiropractic medicine
12			without a license.
13	461.012(1)	3rd	Practicing podiatric medicine
14			without a license.
15	462.17	3rd	Practicing naturopathy without a
16			license.
17	463.015(1)	3rd	Practicing optometry without a
18			license.
19	464.016(1)	3rd	Practicing nursing without a
20			license.
21	465.015(2)	3rd	Practicing pharmacy without a
22			license.
23	466.026(1)	3rd	Practicing dentistry or dental
24			hygiene without a license.
25	467.201	3rd	Practicing midwifery without a
26			license.
27	468.366	3rd	Delivering respiratory care
28			services without a license.
29	483.828(1)	3rd	Practicing as clinical laboratory
30			personnel without a license.
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1	483.901(9)	3rd	Practicing medical physics
2			without a license.
3	484.013(1)(c)	3rd	Preparing or dispensing optical
4			devices without a prescription.
5	484.053	3rd	Dispensing hearing aids without a
6			license.
7	494.0018(2)	1st	Conviction of any violation of
8			ss. 494.001-494.0077 in which the
9			total money and property
10			unlawfully obtained exceeded
11			\$50,000 and there were five or
12			more victims.
13	560.123(8)(b)1.	3rd	Failure to report currency or
14			payment instruments exceeding
15			\$300 but less than \$20,000 by
16			money transmitter.
17	560.125(5)(a)	3rd	Money transmitter business by
18			unauthorized person, currency or
19			payment instruments exceeding
20			\$300 but less than \$20,000.
21	655.50(10)(b)1.	3rd	Failure to report financial
22			transactions exceeding \$300 but
23			less than \$20,000 by financial
24			institution.
25	782.051(3)	2nd	Attempted felony murder of a
26			person by a person other than the
27			perpetrator or the perpetrator of
28			an attempted felony.
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1	782.07(1)	2nd	Killing of a human being by the
2			act, procurement, or culpable
3			negligence of another
4			(manslaughter).
5	782.071	2nd	Killing of human being or viable
6			fetus by the operation of a motor
7			vehicle in a reckless manner
8			(vehicular homicide).
9	782.072	2nd	Killing of a human being by the
10			operation of a vessel in a
11			reckless manner (vessel
12			homicide).
13	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
14			causing great bodily harm or
15			disfigurement.
16	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
17			weapon.
18	784.045(1)(b)	2nd	Aggravated battery; perpetrator
19			aware victim pregnant.
20	784.048(4)	3rd	Aggravated stalking; violation of
21			injunction or court order.
22	784.07(2)(d)	1st	Aggravated battery on law
23			enforcement officer.
24	784.074(1)(a)	1st	Aggravated battery on sexually
25			violent predators facility staff.
26	784.08(2)(a)	1st	Aggravated battery on a person 65
27			years of age or older.
28	784.081(1)	1st	Aggravated battery on specified
29			official or employee.
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1	784.082(1)	1st	Aggravated battery by detained
2			person on visitor or other
3			detainee.
4	784.083(1)	1st	Aggravated battery on code
5			inspector.
6	790.07(4)	1st	Specified weapons violation
7			subsequent to previous conviction
8			of s. 790.07(1) or (2).
9	790.16(1)	1st	Discharge of a machine gun under
10			specified circumstances.
11	790.165(2)	2nd	Manufacture, sell, possess, or
12			deliver hoax bomb.
13	790.165(3)	2nd	Possessing, displaying, or
14			threatening to use any hoax bomb
15			while committing or attempting to
16			commit a felony.
17	790.166(3)	2nd	Possessing, selling, using, or
18			attempting to use a hoax weapon
19			of mass destruction.
20	790.166(4)	2nd	Possessing, displaying, or
21			threatening to use a hoax weapon
22			of mass destruction while
23			committing or attempting to
24			commit a felony.
25	796.03	2nd	Procuring any person under 16
26			years for prostitution.
27	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
28			victim less than 12 years of age;
29			offender less than 18 years.
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1	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			18 years or older.
5	806.01(2)	2nd	Maliciously damage structure by
6			fire or explosive.
7	810.02(3)(a)	2nd	Burglary of occupied dwelling;
8			unarmed; no assault or battery.
9	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
10			unarmed; no assault or battery.
11	810.02(3)(d)	2nd	Burglary of occupied conveyance;
12			unarmed; no assault or battery.
13	812.014(2)(a) <u>1.</u>	1st	Property stolen, valued at
14			\$100,000 or more; cargo stolen
15			valued at \$50,000 or more;
16			property stolen while causing
17			other property damage; 1st degree
18			grand theft.
19	<u>812.014(2)(b)2.</u>	<u>2nd</u>	<u>Property stolen, cargo valued at</u>
20			<u>less than \$50,000, grand theft in</u>
21			<u>2nd degree.</u>
22	812.014(2)(b)3.	2nd	Property stolen, emergency
23			medical equipment; 2nd degree
24			grand theft.
25	812.0145(2)(a)	1st	Theft from person 65 years of age
26			or older; \$50,000 or more.
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(8)(a)	2nd	Solicitation of motor vehicle
4			accident victims with intent to
5			defraud.
6	817.234(9)	2nd	Organizing, planning, or
7			participating in an intentional
8			motor vehicle collision.
9	817.234(11)(c)	1st	Insurance fraud; property value
10			\$100,000 or more.
11	817.2341(2)(b)&		
12	(3)(b)	1st	Making false entries of material
13			fact or false statements
14			regarding property values
15			relating to the solvency of an
16			insuring entity which are a
17			significant cause of the
18			insolvency of that entity.
19	825.102(3)(b)	2nd	Neglecting an elderly person or
20			disabled adult causing great
21			bodily harm, disability, or
22			disfigurement.
23	825.103(2)(b)	2nd	Exploiting an elderly person or
24			disabled adult and property is
25			valued at \$20,000 or more, but
26			less than \$100,000.
27	827.03(3)(b)	2nd	Neglect of a child causing great
28			bodily harm, disability, or
29			disfigurement.
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1	827.04(3)	3rd	Impregnation of a child under 16
2			years of age by person 21 years
3			of age or older.
4	837.05(2)	3rd	Giving false information about
5			alleged capital felony to a law
6			enforcement officer.
7	838.015	2nd	Bribery.
8	838.016	2nd	Unlawful compensation or reward
9			for official behavior.
10	838.021(3)(a)	2nd	Unlawful harm to a public
11			servant.
12	838.22	2nd	Bid tampering.
13	872.06	2nd	Abuse of a dead human body.
14	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
15			cocaine (or other drug prohibited
16			under s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4.) within 1,000 feet of a
19			child care facility, school, or
20			state, county, or municipal park
21			or publicly owned recreational
22			facility or community center.
23	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
24			cocaine or other drug prohibited
25			under s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), (2)(b), or
27			(2)(c)4., within 1,000 feet of
28			property used for religious
29			services or a specified business
30			site.
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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 25 lbs., less than 2,000
7			lbs.
8	893.135		
9	(1)(b)1.a.	1st	Trafficking in cocaine, more than
10			28 grams, less than 200 grams.
11	893.135		
12	(1)(c)1.a.	1st	Trafficking in illegal drugs,
13			more than 4 grams, less than 14
14			grams.
15	893.135		
16	(1)(d)1.	1st	Trafficking in phencyclidine,
17			more than 28 grams, less than 200
18			grams.
19	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
20			than 200 grams, less than 5
21			kilograms.
22	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
23			than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
27			grams or more, less than 14
28			grams.
29			
30			
31			

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			
31			

1	560.123(8)(b)2.	2nd	Failure to report currency or
2			payment instruments totaling or
3			exceeding \$20,000, but less than
4			\$100,000 by money transmitter.
5	560.125(5)(b)	2nd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments totaling or
8			exceeding \$20,000, but less than
9			\$100,000.
10	655.50(10)(b)2.	2nd	Failure to report financial
11			transactions totaling or
12			exceeding \$20,000, but less than
13			\$100,000 by financial
14			institutions.
15	777.03(2)(a)	1st	Accessory after the fact, capital
16			felony.
17	782.04(4)	2nd	Killing of human without design
18			when engaged in act or attempt of
19			any felony other than arson,
20			sexual battery, robbery,
21			burglary, kidnapping, aircraft
22			piracy, or unlawfully discharging
23			bomb.
24	782.051(2)	1st	Attempted felony murder while
25			perpetrating or attempting to
26			perpetrate a felony not
27			enumerated in s. 782.04(3).
28	782.071(1)(b)	1st	Committing vehicular homicide and
29			failing to render aid or give
30			information.
31			

1	782.072(2)	1st	Committing vessel homicide and
2			failing to render aid or give
3			information.
4	790.161(3)	1st	Discharging a destructive device
5			which results in bodily harm or
6			property damage.
7	794.011(5)	2nd	Sexual battery, victim 12 years
8			or over, offender does not use
9			physical force likely to cause
10			serious injury.
11	800.04(4)	2nd	Lewd or lascivious battery.
12	806.01(1)	1st	Maliciously damage dwelling or
13			structure by fire or explosive,
14			believing person in structure.
15	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
16	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
17			or dangerous weapon.
18	810.02(2)(c)	1st	Burglary of a dwelling or
19			structure causing structural
20			damage or \$1,000 or more property
21			damage.
22	<u>812.014(2)(a)2.</u>	<u>1st</u>	<u>Property stolen; cargo valued at</u>
23			<u>\$50,000 or more, grand theft in</u>
24			<u>1st degree.</u>
25	812.13(2)(b)	1st	Robbery with a weapon.
26	812.135(2)	1st	Home-invasion robbery.
27	817.568(6)	2nd	Fraudulent use of personal
28			identification information of an
29			individual under the age of 18.
30	825.102(2)	2nd	Aggravated abuse of an elderly
31			person or disabled adult.

1	825.1025(2)	2nd	Lewd or lascivious battery upon
2			an elderly person or disabled
3			adult.
4	825.103(2)(a)	1st	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$100,000 or more.
7	837.02(2)	2nd	Perjury in official proceedings
8			relating to prosecution of a
9			capital felony.
10	837.021(2)	2nd	Making contradictory statements
11			in official proceedings relating
12			to prosecution of a capital
13			felony.
14	860.121(2)(c)	1st	Shooting at or throwing any
15			object in path of railroad
16			vehicle resulting in great bodily
17			harm.
18	860.16	1st	Aircraft piracy.
19	893.13(1)(b)	1st	Sell or deliver in excess of 10
20			grams of any substance specified
21			in s. 893.03(1)(a) or (b).
22	893.13(2)(b)	1st	Purchase in excess of 10 grams of
23			any substance specified in s.
24			893.03(1)(a) or (b).
25	893.13(6)(c)	1st	Possess in excess of 10 grams of
26			any substance specified in s.
27			893.03(1)(a) or (b).
28	893.135(1)(a)2.	1st	Trafficking in cannabis, more
29			than 2,000 lbs., less than 10,000
30			lbs.
31			

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

1 893.135
2 (1)(j)1.b. 1st Trafficking in 1,4-Butanediol, 5
3 kilograms or more, less than 10
4 kilograms.
5 893.135
6 (1)(k)2.b. 1st Trafficking in Phenethylamines,
7 200 grams or more, less than 400
8 grams.
9 895.03(1) 1st Use or invest proceeds derived
10 from pattern of racketeering
11 activity.
12 895.03(2) 1st Acquire or maintain through
13 racketeering activity any
14 interest in or control of any
15 enterprise or real property.
16 895.03(3) 1st Conduct or participate in any
17 enterprise through pattern of
18 racketeering activity.
19 896.101(5)(b) 2nd Money laundering, financial
20 transactions totaling or
21 exceeding \$20,000, but less than
22 \$100,000.
23 896.104(4)(a)2. 2nd Structuring transactions to evade
24 reporting or registration
25 requirements, financial
26 transactions totaling or
27 exceeding \$20,000 but less than
28 \$100,000.
29 Section 6. This act shall take effect July 1, 2004.
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 138

- 4 - Changes the subject of the bill from "cargo theft" to
5 "theft."
6 - Creates s. 812.0147, F.S., which makes it a second degree
7 felony to modify, alter, attempt to alter, and if
8 altered, sell, possess, offer to sell, move, or cause to
9 be moved on the state highways a device known as a "fifth
10 wheel" with the intent to commit or attempt to commit
11 theft.
12 - Limits the application of the term "fifth wheel" to the
13 fifth wheel on a heavy commerical motor vehicle.
14 - Creates s. 316.526, F.S., which requires a driver or
15 other person responsible for a semitrailer used in
16 commerce, who allows the semitrailer to be parked
17 unattended without being attached to a motor vehicle, to
18 ensure the semitrailer is secured by a locking device
19 that prohibits unauthorized movement of the semitrailer.
20 - Provides that an unattended semitrailer found without the
21 required locking device may be towed to a secure facility
22 by a commercial towing service at the direction of a law
23 enforcement officer. The owner or carrier is responsible
24 for reasonable towing fees, not to exceed \$300, incurred
25 to tow and secure vehicle for a period not exceeding 24
26 hours.
27 - Provides four exceptions: semitrailers used to transport
28 agriculture or forestry products when parked at a harvest
29 site; semitrailers parked at a terminal; semitrailers
30 displayed for sale, lease, or rent by a licensed dealer;
31 and empty semitrailers.
- Amends s. 316.1975, F.S., to provide that a person
driving or in charge of a semitrailer may not permit it
to stand unattended without complying with the
requirements of subsection (1) of the statute (stopping
engine, locking ignition, removing key, etc.).
- Provides that if the semitrailer is disconnected and left
unattended and free of a truck-tractor, a kingpin locking
device must be attached to the trailer's kingpin.
- Defines the term "kingpin locking device."
- Requires a kingpin locking device to be attached to any
semitrailer not attached to a truck tractor and left
unattended on public or private property where the public
is an invitee. Violation of this requirement is a
noncriminal traffic infraction.