

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the  
2 following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to theft; creating the Statewide Study  
8 Commission on Cargo Theft and Trucking Security; providing  
9 legislative findings in support of creating the  
10 commission; providing for commission membership;  
11 specifying the purpose of the commission; providing for  
12 staffing of the commission; requiring that meetings of the  
13 commission be open to the public and held within the  
14 state; authorizing reimbursement for travel and per diem  
15 expenses for members while carrying out official business  
16 of the commission; specifying commission duties; requiring  
17 the commission to report its findings and recommendations  
18 to the Governor and to legislative leaders by a specified  
19 date; providing for expiration of the commission upon the  
20 submission of its report; amending s. 812.014, F.S.;  
21 providing that the theft of a semitrailer deployed by a  
22 law enforcement agency is grand theft of the first degree,  
23 punishable as a felony of the first degree; creating s.

24 | 812.0147, F.S.; providing that it is a felony of the  
 25 | second degree to commit certain acts involving a fifth  
 26 | wheel or altered fifth wheel with the intent to commit or  
 27 | attempt to commit theft; providing penalties; amending s.  
 28 | 921.0022, F.S.; increasing the severity ranking of  
 29 | offenses involving cargo theft and providing for the  
 30 | ranking of offenses involving the theft of a semitrailer  
 31 | deployed by a law enforcement agency on the offense  
 32 | severity ranking chart of the Criminal Punishment Code;  
 33 | reenacting ss. 311.12(3)(c), 812.0155(2), and  
 34 | 985.227(1)(a), F.S., relating to seaport security  
 35 | standards, suspension of driver's license following  
 36 | adjudication of guilt for theft, and offenses committed by  
 37 | certain juvenile offenders for which a state attorney  
 38 | pursue adult prosecution, respectively, for the purpose of  
 39 | incorporating the amendment to s. 812.014, F.S., in  
 40 | references thereto; providing effective dates.

41 |

42 | Be It Enacted by the Legislature of the State of Florida:

43 |

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

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

49 | (2) The Legislature finds that the theft of cargo from  
 50 | commercial trucking vehicles, as well as the theft of the  
 51 | vehicles, in this state are increasing. Losses from these thefts

52 have a considerable negative impact on businesses and commerce  
 53 in this state. The Legislature further finds that the creation  
 54 of a Statewide Study Commission on Cargo Theft and Trucking  
 55 Security issues to collect information and testimony would be of  
 56 benefit to the state and to the Legislature in determining  
 57 appropriate safety and homeland security measures. The purpose  
 58 of the commission is to address cargo theft issues, including,  
 59 but not limited to, measures that would mandate action by the  
 60 trucking industry.

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

66 (4) The commission shall consist of eight members,  
 67 including:

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

71 (b) A member of the Senate, appointed by the President of  
 72 the Senate.

73 (c) A member of the House of Representatives, appointed by  
 74 the Speaker of the House of Representatives.

75 (d) The director of the Office of Motor Carrier Compliance  
 76 in the Department of Transportation or the director's designee.

77 (e) The president of the Florida Sheriff's Association or  
 78 the president's designee.

79        (f) The president of the Florida Trucking Association or  
80 the president's designee.

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

83        (h) The president of the Florida Retail Federation or the  
84 president's designee.

85        (5) Members of the commission who are subject to  
86 appointment must be appointed by May 1, 2004. All members of the  
87 commission shall convene by June 1, 2004, to organize and select  
88 a chair for the commission. The director of the Office of Motor  
89 Carrier Compliance in the Department of Transportation shall set  
90 the first meeting date. The chair of the commission shall set  
91 the dates of subsequent meetings.

92        (6) A vacancy of an appointed member of the commission  
93 shall be filled in the same manner as the original appointment.  
94 A vacancy of a member who may select a designee shall be filled  
95 by the member's selected designee or, if the vacancy concerns a  
96 member's selected designee, shall be filled by the member or  
97 another designee selected by the member. Vacancies must be  
98 filled as soon as possible.

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

101        (8) Members of the commission shall serve without  
102 compensation but are entitled to receive reimbursement for  
103 travel and per diem expenses, as provided by s. 112.061, Florida  
104 Statutes, while carrying out official business of the  
105 commission.

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

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

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

115       (c) The use of technological advances to protect cargo  
116 shipments.

117       (d) Recommended language for legislation addressing cargo  
118 theft and trucking security, if necessary, for consideration by  
119 the Legislature.

120       (e) Best practices regarding trucking security which are  
121 used by industry and other private-sector entities and by  
122 public-sector entities.

123       (10) The commission shall state its findings and  
124 recommendations in an official report that is adopted by the  
125 commission members and transmitted to the Governor, the  
126 President of the Senate, and the Speaker of the House of  
127 Representatives by January 1, 2005. If the commission recommends  
128 legislation, the report shall include an appendix containing a  
129 draft of legislation proposed by the commission. The commission  
130 shall automatically expire upon submission of its report to the  
131 Governor and the Legislature.

132       Section 2. Subsection (2) of section 812.014, Florida  
133 Statutes, is amended to read:

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134           812.014 Theft.--

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

136 more; or

137           2. If the property stolen is a semitrailer, as defined in

138 s. 316.003, which was deployed by a law enforcement agency or is

139 cargo valued at \$50,000 or more that has entered the stream of

140 interstate or intrastate commerce from the shipper's loading

141 platform to the consignee's receiving dock; or

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

143           a. In the course of committing the offense the offender

144 uses a motor vehicle as an instrumentality, other than merely as

145 a getaway vehicle, to assist in committing the offense and

146 thereby damages the real property of another; or

147           b. In the course of committing the offense the offender

148 causes damage to the real or personal property of another in

149 excess of \$1,000,

150

151 the offender commits grand theft in the first degree, punishable

152 as a felony of the first degree, as provided in s. 775.082, s.

153 775.083, or s. 775.084.

154           (b)1. If the property stolen is valued at \$20,000 or more,

155 but less than \$100,000;

156           2. The property stolen is cargo valued at less than

157 \$50,000 that has entered the stream of interstate or intrastate

158 commerce from the shipper's loading platform to the consignee's

159 receiving dock; or

160           3. The property stolen is emergency medical equipment,

161 valued at \$300 or more, that is taken from a facility licensed

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162 | under chapter 395 or from an aircraft or vehicle permitted under  
163 | chapter 401,

164 |  
165 | the offender commits grand theft in the second degree,  
166 | punishable as a felony of the second degree, as provided in s.  
167 | 775.082, s. 775.083, or s. 775.084. Emergency medical equipment  
168 | means mechanical or electronic apparatus used to provide  
169 | emergency services and care as defined in s. 395.002(10) or to  
170 | treat medical emergencies.

171 | (c) It is grand theft of the third degree and a felony of  
172 | the third degree, punishable as provided in s. 775.082, s.  
173 | 775.083, or s. 775.084, if the property stolen is:

- 174 | 1. Valued at \$300 or more, but less than \$5,000.
- 175 | 2. Valued at \$5,000 or more, but less than \$10,000.
- 176 | 3. Valued at \$10,000 or more, but less than \$20,000.
- 177 | 4. A will, codicil, or other testamentary instrument.
- 178 | 5. A firearm.
- 179 | 6. A motor vehicle, except as provided in paragraph

180 | (2)(a).

181 | 7. Any commercially farmed animal, including any animal of  
182 | the equine, bovine, or swine class, or other grazing animal, and  
183 | including aquaculture species raised at a certified aquaculture  
184 | facility. If the property stolen is aquaculture species raised  
185 | at a certified aquaculture facility, then a \$10,000 fine shall  
186 | be imposed.

187 | 8. Any fire extinguisher.

188 | 9. Any amount of citrus fruit consisting of 2,000 or more  
189 | individual pieces of fruit.

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

192 11. Any stop sign.

193 12. Anhydrous ammonia.

194 (d) It is grand theft of the third degree and a felony of  
195 the third degree, punishable as provided in s. 775.082, s.  
196 775.083, or s. 775.084, if the property stolen is valued at \$100  
197 or more, but less than \$300, and is taken from a dwelling as  
198 defined in s. 810.011(2) or from the unenclosed curtilage of a  
199 dwelling pursuant to s. 810.09(1).

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

205 Section 3. Section 812.0147, Florida Statutes, is created  
206 to read:

207 812.0147 Unlawful possession or use of a fifth wheel.--

208 (1) It is unlawful for any person to modify, alter, or  
209 attempt to alter, or, if altered, to sell, possess, offer for  
210 sale, move, or cause to be moved onto the highways of this  
211 state, a fifth wheel, with the intent to use the altered fifth  
212 wheel to commit or attempt to commit theft. For the purposes of  
213 this section, the term "fifth wheel" applies only to a fifth  
214 wheel on a truck tractor, as defined in s. 320.01.

215 (2) A person who violates subsection (1) commits a felony  
216 of the second degree, punishable as provided in s. 775.082, s.  
217 775.083, or s. 775.084.

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218 Section 4. Paragraphs (f) through (i) of subsection (3) of  
219 section 921.0022, Florida Statutes, are amended to read:

220 921.0022 Criminal Punishment Code; offense severity  
221 ranking chart.--

222 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

(f) LEVEL 6

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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499.0051(3)	2nd	Forgery of pedigree papers.
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499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
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499.0051(5)	2nd	Sale of legend drug to unauthorized person.
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775.0875(1)	3rd	Taking firearm from law enforcement officer.
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775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
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784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
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232	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
233	784.041	3rd	Felony battery.
234	784.048(3)	3rd	Aggravated stalking; credible threat.
235	784.048(5)	3rd	Aggravated stalking of person under 16.
236	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
237	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
238	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
239	784.081(2)	2nd	Aggravated assault on specified official or employee.
240	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
241	784.083(2)	2nd	Aggravated assault on code inspector.
242	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.

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243	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
244	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
245	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
246	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
247	794.05(1)	2nd	Unlawful sexual activity with specified minor.
248	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
249	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
250	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
251	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
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253	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
254	<del>812.014(2)(b)2.</del>	<del>2nd</del>	<del>Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.</del>
255	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
256	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
257	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
258	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
259	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
260	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
261	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
	825.103(2)(c)	3rd	Exploiting an elderly person or

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disabled adult and property is valued  
at less than \$20,000.

262	827.03(1)	3rd	Abuse of a child.
263	827.03(3)(c)	3rd	Neglect of a child.
264	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
265	836.05	2nd	Threats; extortion.
266	836.10	2nd	Written threats to kill or do bodily injury.
267	843.12	3rd	Aids or assists person to escape.
268	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
269	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
270	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
271	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community

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supervision, resulting in great bodily harm.

272 944.40 2nd Escapes.

273 944.46 3rd Harboring, concealing, aiding escaped prisoners.

274 944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

275 951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

276 (g) LEVEL 7

277 316.027(1)(b) 2nd Accident involving death, failure to stop; leaving scene.

278 316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.

279 327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

280 402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

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282	409.920(2)	3rd	Medicaid provider fraud.
283	456.065(2)	3rd	Practicing a health care profession without a license.
284	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
285	458.327(1)	3rd	Practicing medicine without a license.
286	459.013(1)	3rd	Practicing osteopathic medicine without a license.
287	460.411(1)	3rd	Practicing chiropractic medicine without a license.
288	461.012(1)	3rd	Practicing podiatric medicine without a license.
289	462.17	3rd	Practicing naturopathy without a license.
290	463.015(1)	3rd	Practicing optometry without a license.
291	464.016(1)	3rd	Practicing nursing without a license.
292	465.015(2)	3rd	Practicing pharmacy without a license.
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.

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293	467.201	3rd	Practicing midwifery without a license.
294	468.366	3rd	Delivering respiratory care services without a license.
295	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
296	483.901(9)	3rd	Practicing medical physics without a license.
297	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
298	484.053	3rd	Dispensing hearing aids without a license.
299	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
300	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
301	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or

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payment instruments exceeding \$300 but less than \$20,000.

302 655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

303 782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

304 782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

305 782.071 2nd Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

306 782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

307 784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

308 784.045(1)(a)2. 2nd Aggravated battery; using deadly

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weapon.

309 784.045(1)(b) 2nd Aggravated battery; perpetrator aware  
victim pregnant.

310 784.048(4) 3rd Aggravated stalking; violation of  
injunction or court order.

311 784.07(2)(d) 1st Aggravated battery on law enforcement  
officer.

312 784.074(1)(a) 1st Aggravated battery on sexually violent  
predators facility staff.

313 784.08(2)(a) 1st Aggravated battery on a person 65  
years of age or older.

314 784.081(1) 1st Aggravated battery on specified  
official or employee.

315 784.082(1) 1st Aggravated battery by detained person  
on visitor or other detainee.

316 784.083(1) 1st Aggravated battery on code inspector.

317 790.07(4) 1st Specified weapons violation subsequent  
to previous conviction of s. 790.07(1)  
or (2).

318 790.16(1) 1st Discharge of a machine gun under  
specified circumstances.

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320	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
321	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
322	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
323	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
324	796.03	2nd	Procuring any person under 16 years for prostitution.
325	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
326	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
327	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
	810.02(3)(a)	2nd	Burglary of occupied dwelling;

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unarmed; no assault or battery.

328 810.02(3)(b) 2nd Burglary of unoccupied dwelling;  
unarmed; no assault or battery.

329 810.02(3)(d) 2nd Burglary of occupied conveyance;  
unarmed; no assault or battery.

330 812.014(2)(a)1. 1st Property stolen, valued at \$100,000 or  
& 3. ~~more; cargo stolen valued at \$50,000~~  
~~or more;~~ property stolen while causing  
other property damage; 1st degree  
grand theft.

331 812.014(2)(b)3. 2nd Property stolen, emergency medical  
equipment; 2nd degree grand theft.

332 812.0145(2)(a) 1st Theft from person 65 years of age or  
older; \$50,000 or more.

333 812.019(2) 1st Stolen property; initiates, organizes,  
plans, etc., the theft of property and  
traffics in stolen property.

334 812.131(2)(a) 2nd Robbery by sudden snatching.

335 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon,  
or other weapon.

336 817.234(8)(a) 2nd Solicitation of motor vehicle accident  
victims with intent to defraud.

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337	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
338	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
339	817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
340	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
341	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
342	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
343	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or

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older.

344 837.05(2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

345 838.015 2nd Bribery.

346 838.016 2nd Unlawful compensation or reward for official behavior.

347 838.021(3)(a) 2nd Unlawful harm to a public servant.

348 838.22 2nd Bid tampering.

349 872.06 2nd Abuse of a dead human body.

350 893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

351 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious

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services or a specified business site.

- 352 893.13(4)(a) 1st Deliver to minor cocaine (or other s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4. drugs).
- 353 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25  
lbs., less than 2,000 lbs.
- 354 893.135(1)(b)1. 1st Trafficking in cocaine, more than 28  
a. grams, less than 200 grams.
- 355 893.135(1)(c)1. 1st Trafficking in illegal drugs, more  
a. than 4 grams, less than 14 grams.
- 356 893.135(1)(d)1. 1st Trafficking in phencyclidine, more  
than 28 grams, less than 200 grams.
- 357 893.135(1)(e)1. 1st Trafficking in methaqualone, more than  
200 grams, less than 5 kilograms.
- 358 893.135(1)(f)1. 1st Trafficking in amphetamine, more than  
14 grams, less than 28 grams.
- 359 893.135(1)(g)1. 1st Trafficking in flunitrazepam, 4 grams  
a. or more, less than 14 grams.
- 360 893.135(1)(h)1. 1st Trafficking in gamma-hydroxybutyric  
a. acid (GHB), 1 kilogram or more, less  
than 5 kilograms.

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362	893.135(1)(j)1. a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
363	893.135(1)(k)2. a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
364	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
365	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
366			(h) LEVEL 8
367	316.193(3)(c)3. a.	2nd	DUI manslaughter.
368	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
369	499.0051(7)	1st	Forgery of prescription or legend drug labels.
370	499.0052	1st	Trafficking in contraband legend drugs.
	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding

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\$20,000, but less than \$100,000 by money transmitter.

371

560.125(5)(b) 2nd

Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

372

655.50(10)(b)2. 2nd

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

373

777.03(2)(a) 1st

Accessory after the fact, capital felony.

374

782.04(4) 2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

375

782.051(2) 1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

376

782.071(1)(b) 1st

Committing vehicular homicide and

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failing to render aid or give  
information.

377 782.072(2) 1st Committing vessel homicide and failing  
to render aid or give information.

378 790.161(3) 1st Discharging a destructive device which  
results in bodily harm or property  
damage.

379 794.011(5) 2nd Sexual battery, victim 12 years or  
over, offender does not use physical  
force likely to cause serious injury.

380 800.04(4) 2nd Lewd or lascivious battery.

381 806.01(1) 1st Maliciously damage dwelling or  
structure by fire or explosive,  
believing person in structure.

382 810.02(2)(a) 1st,PBL Burglary with assault or battery.

383 810.02(2)(b) 1st,PBL Burglary; armed with explosives or  
dangerous weapon.

384 810.02(2)(c) 1st Burglary of a dwelling or structure  
causing structural damage or \$1,000 or  
more property damage.

385 812.014(2)(b)2. 2nd Property stolen; cargo valued at less  
than \$50,000; 2nd degree grand theft.

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386	812.13(2)(b)	1st	Robbery with a weapon.
387	812.135(2)	1st	Home-invasion robbery.
388	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
389	825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
390	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
391	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
392	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
393	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
394	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

395

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396	860.16	1st	Aircraft piracy.
397	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
398	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
399	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
400	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
401	893.135(1)(b)1. b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
402	893.135(1)(c)1. b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
403	893.135(1)(d)1. b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
404	893.135(1)(e)1. b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
404	893.135(1)(f)1. b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.

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405	893.135(1)(g)1.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
406	893.135(1)(h)1.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
407	893.135(1)(j)1.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
408	893.135(1)(k)2.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
409	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
410	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
411	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
412	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
413			

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414	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
415	316.193(3)(c)3. b.	1st	DUI manslaughter; failing to render aid or give information.
416	327.35(3)(c)3.b .	1st	BUI manslaughter; failing to render aid or give information.
417	499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
418	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
419	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
420	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
421	775.0844	1st	Aggravated white collar crime.

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422	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
423	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
424	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
425	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
426	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
427	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
428	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
429	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious

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battery, molestation, conduct, or  
exhibition.

430

790.161 1st Attempted capital destructive device  
offense.

431

790.166(2) 1st,PBL Possessing, selling, using, or  
attempting to use a weapon of mass  
destruction.

432

794.011(2) 1st Attempted sexual battery; victim less  
than 12 years of age.

433

794.011(2) Life Sexual battery; offender younger than  
18 years and commits sexual battery on  
a person less than 12 years.

434

794.011(4) 1st Sexual battery; victim 12 years or  
older, certain circumstances.

435

794.011(8)(b) 1st Sexual battery; engage in sexual  
conduct with minor 12 to 18 years by  
person in familial or custodial  
authority.

436

800.04(5)(b) 1st Lewd or lascivious molestation; victim  
less than 12 years; offender 18 years  
or older.

437

812.014(2)(a)2. 1st Property stolen; semitrailer deployed  
by law enforcement; cargo valued at

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\$50,000 or more; 1st degree grand theft.

438	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
439	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
440	817.568(7)	2nd,PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
441	827.03(2)	1st	Aggravated child abuse.
442	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
443	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
444	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
445	893.135	1st	Attempted capital trafficking offense.

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447	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
448	893.135(1)(b)1. c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
449	893.135(1)(c)1. c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
450	893.135(1)(d)1. c.	1st	Trafficking in phencyclidine, more than 400 grams.
451	893.135(1)(e)1. c.	1st	Trafficking in methaqualone, more than 25 kilograms.
452	893.135(1)(f)1. c.	1st	Trafficking in amphetamine, more than 200 grams.
453	893.135(1)(h)1. c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
454	893.135(1)(j)1. c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
455	893.135(1)(k)2. c.	1st	Trafficking in Phenethylamines, 400 grams or more.
456	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.

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

457

458 Section 5. For the purpose of incorporating the amendment  
459 to section 812.014, Florida Statutes, in a reference thereto,  
460 paragraph (c) of subsection (3) of section 311.12, Florida  
461 Statutes, is reenacted to read:

462 311.12 Seaport security standards.--  
463 (3)

464 (c) In addition to other requirements for employment or  
465 access established by each seaport pursuant to its seaport  
466 security plan, each seaport security plan shall provide that:

467 1. Any person who has within the past 7 years been  
468 convicted, regardless of whether adjudication was withheld, for  
469 a forcible felony as defined in s. 776.08; an act of terrorism  
470 as defined in s. 775.30; planting of a hoax bomb as provided in  
471 s. 790.165; any violation involving the manufacture, possession,  
472 sale, delivery, display, use, or attempted or threatened use of  
473 a weapon of mass destruction or hoax weapon of mass destruction  
474 as provided in s. 790.166; dealing in stolen property; any  
475 violation of s. 893.135; any violation involving the sale,  
476 manufacturing, delivery, or possession with intent to sell,  
477 manufacture, or deliver a controlled substance; burglary;  
478 robbery; any felony violation of s. 812.014; any violation of s.  
479 790.07; any crime an element of which includes use or possession  
480 of a firearm; any conviction for any similar offenses under the

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481 laws of another jurisdiction; or conviction for conspiracy to  
482 commit any of the listed offenses shall not be qualified for  
483 initial employment within or regular access to a seaport or  
484 restricted access area; and

485         2. Any person who has at any time been convicted for any  
486 of the listed offenses shall not be qualified for initial  
487 employment within or authorized regular access to a seaport or  
488 restricted access area unless, after release from incarceration  
489 and any supervision imposed as a sentence, the person remained  
490 free from a subsequent conviction, regardless of whether  
491 adjudication was withheld, for any of the listed offenses for a  
492 period of at least 7 years prior to the employment or access  
493 date under consideration.

494         Section 6. For the purpose of incorporating the amendment  
495 to section 812.014, Florida Statutes, in a reference thereto,  
496 subsection (2) of section 812.0155, Florida Statutes, is  
497 reenacted to read:

498             812.0155 Suspension of driver's license following an  
499 adjudication of guilt for theft.--

500             (2) The court may revoke, suspend, or withhold issuance of  
501 a driver's license of a person less than 18 years of age who  
502 violates s. 812.014 or s. 812.015 as an alternative to  
503 sentencing the person to:

504             (a) Probation as defined in s. 985.03 or commitment to the  
505 Department of Juvenile Justice, if the person is adjudicated  
506 delinquent for such violation and has not previously been  
507 convicted of or adjudicated delinquent for any criminal offense,  
508 regardless of whether adjudication was withheld.

509 (b) Probation as defined in s. 985.03, commitment to the  
 510 Department of Juvenile Justice, probation as defined in s.  
 511 948.01, community control, or incarceration, if the person is  
 512 convicted as an adult of such violation and has not previously  
 513 been convicted of or adjudicated delinquent for any criminal  
 514 offense, regardless of whether adjudication was withheld.

515 Section 7. For the purpose of incorporating the amendment  
 516 to section 812.014, Florida Statutes, in a reference thereto,  
 517 paragraph (a) of subsection (1) of section 985.227, Florida  
 518 Statutes, is reenacted to read:

519 985.227 Prosecution of juveniles as adults by the direct  
 520 filing of an information in the criminal division of the circuit  
 521 court; discretionary criteria; mandatory criteria.--

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

523 (a) With respect to any child who was 14 or 15 years of  
 524 age at the time the alleged offense was committed, the state  
 525 attorney may file an information when in the state attorney's  
 526 judgment and discretion the public interest requires that adult  
 527 sanctions be considered or imposed and when the offense charged  
 528 is for the commission of, attempt to commit, or conspiracy to  
 529 commit:

- 530 1. Arson;
- 531 2. Sexual battery;
- 532 3. Robbery;
- 533 4. Kidnapping;
- 534 5. Aggravated child abuse;
- 535 6. Aggravated assault;
- 536 7. Aggravated stalking;

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- 537 8. Murder;
- 538 9. Manslaughter;
- 539 10. Unlawful throwing, placing, or discharging of a  
540 destructive device or bomb;
- 541 11. Armed burglary in violation of s. 810.02(2)(b) or  
542 specified burglary of a dwelling or structure in violation of s.  
543 810.02(2)(c), or burglary with an assault or battery in  
544 violation of s. 810.02(2)(a);
- 545 12. Aggravated battery;
- 546 13. Any lewd or lascivious offense committed upon or in  
547 the presence of a person less than 16 years of age;
- 548 14. Carrying, displaying, using, threatening, or  
549 attempting to use a weapon or firearm during the commission of a  
550 felony;
- 551 15. Grand theft in violation of s. 812.014(2)(a);
- 552 16. Possessing or discharging any weapon or firearm on  
553 school property in violation of s. 790.115;
- 554 17. Home invasion robbery;
- 555 18. Carjacking; or
- 556 19. Grand theft of a motor vehicle in violation of s.  
557 812.014(2)(c)6. or grand theft of a motor vehicle valued at  
558 \$20,000 or more in violation of s. 812.014(2)(b) if the child  
559 has a previous adjudication for grand theft of a motor vehicle  
560 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
- 561 Section 8. This act shall take effect July 1, 2004, except  
562 that this section and section 1 of this act shall take effect  
563 upon becoming a law.