

1 b. In the course of committing the offense the
2 offender causes damage to the real or personal property of
3 another in excess of \$1,000,
4
5 the offender commits grand theft in the first degree,
6 punishable as a felony of the first degree, as provided in s.
7 775.082, s. 775.083, or s. 775.084.

8 Section 2. Section 812.0147, Florida Statutes, is
9 created to read:

10 812.0147 Unlawful possession or use of a fifth
11 wheel.--

12 (1) A person may not modify, alter, attempt to alter,
13 and if altered, sell, possess, offer for sale, move, or cause
14 to be moved onto the highways of this state a device known as
15 a fifth wheel with the intent to use the fifth wheel to commit
16 or attempt to commit theft. As used in this section, the term
17 "fifth wheel" applies only to a fifth wheel on a heavy
18 commercial motor vehicle.

19 (2) Any person who violates subsection (1) commits a
20 felony of the second degree, punishable as provided in s.
21 775.082, s. 775.083, or s. 775.084.

22 Section 3. Paragraph (g) of subsection (3) of section
23 921.0022, Florida Statutes, is amended to read:

24 921.0022 Criminal Punishment Code; offense severity
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27
28 Florida Felony
29 Statute Degree Description
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1			(g) LEVEL 7
2	316.027(1)(b)	2nd	Accident involving death, failure
3			to stop; leaving scene.
4	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
5			injury.
6	316.1935(3)(b)	1st	Causing serious bodily injury or
7			death to another person; driving
8			at high speed or with wanton
9			disregard for safety while
10			fleeing or attempting to elude
11			law enforcement officer who is in
12			a patrol vehicle with siren and
13			lights activated.
14	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
15			bodily injury.
16	402.319(2)	2nd	Misrepresentation and negligence
17			or intentional act resulting in
18			great bodily harm, permanent
19			disfiguration, permanent
20			disability, or death.
21	409.920(2)	3rd	Medicaid provider fraud.
22	456.065(2)	3rd	Practicing a health care
23			profession without a license.
24	456.065(2)	2nd	Practicing a health care
25			profession without a license
26			which results in serious bodily
27			injury.
28	458.327(1)	3rd	Practicing medicine without a
29			license.
30	459.013(1)	3rd	Practicing osteopathic medicine
31			without a license.

1	460.411(1)	3rd	Practicing chiropractic medicine
2			without a license.
3	461.012(1)	3rd	Practicing podiatric medicine
4			without a license.
5	462.17	3rd	Practicing naturopathy without a
6			license.
7	463.015(1)	3rd	Practicing optometry without a
8			license.
9	464.016(1)	3rd	Practicing nursing without a
10			license.
11	465.015(2)	3rd	Practicing pharmacy without a
12			license.
13	466.026(1)	3rd	Practicing dentistry or dental
14			hygiene without a license.
15	467.201	3rd	Practicing midwifery without a
16			license.
17	468.366	3rd	Delivering respiratory care
18			services without a license.
19	483.828(1)	3rd	Practicing as clinical laboratory
20			personnel without a license.
21	483.901(9)	3rd	Practicing medical physics
22			without a license.
23	484.013(1)(c)	3rd	Preparing or dispensing optical
24			devices without a prescription.
25	484.053	3rd	Dispensing hearing aids without a
26			license.
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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
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1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.048(7)	3rd	Aggravated stalking; violation of
15			court order.
16	784.07(2)(d)	1st	Aggravated battery on law
17			enforcement officer.
18	784.074(1)(a)	1st	Aggravated battery on sexually
19			violent predators facility staff.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	784.083(1)	1st	Aggravated battery on code
28			inspector.
29	790.07(4)	1st	Specified weapons violation
30			subsequent to previous conviction
31			of s. 790.07(1) or (2).

1	790.16(1)	1st	Discharge of a machine gun under
2			specified circumstances.
3	790.165(2)	2nd	Manufacture, sell, possess, or
4			deliver hoax bomb.
5	790.165(3)	2nd	Possessing, displaying, or
6			threatening to use any hoax bomb
7			while committing or attempting to
8			commit a felony.
9	790.166(3)	2nd	Possessing, selling, using, or
10			attempting to use a hoax weapon
11			of mass destruction.
12	790.166(4)	2nd	Possessing, displaying, or
13			threatening to use a hoax weapon
14			of mass destruction while
15			committing or attempting to
16			commit a felony.
17	796.03	2nd	Procuring any person under 16
18			years for prostitution.
19	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
20			victim less than 12 years of age;
21			offender less than 18 years.
22	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
23			victim 12 years of age or older
24			but less than 16 years; offender
25			18 years or older.
26	806.01(2)	2nd	Maliciously damage structure by
27			fire or explosive.
28	810.02(3)(a)	2nd	Burglary of occupied dwelling;
29			unarmed; no assault or battery.
30	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
31			unarmed; no assault or battery.

1	810.02(3)(d)	2nd	Burglary of occupied conveyance;
2			unarmed; no assault or battery.
3	812.014(2)(a)1.	1st	Property stolen, valued at
4			\$100,000 or more <u>or deployed by a</u>
5			<u>law enforcement officer</u> ; property
6			stolen while causing other
7			property damage; 1st degree grand
8			theft.
9	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
10			less than \$50,000, grand theft in
11			2nd degree.
12	812.014(2)(b)3.	2nd	Property stolen, emergency
13			medical equipment; 2nd degree
14			grand theft.
15	812.0145(2)(a)	1st	Theft from person 65 years of age
16			or older; \$50,000 or more.
17	812.019(2)	1st	Stolen property; initiates,
18			organizes, plans, etc., the theft
19			of property and traffics in
20			stolen property.
21	812.131(2)(a)	2nd	Robbery by sudden snatching.
22	812.133(2)(b)	1st	Carjacking; no firearm, deadly
23			weapon, or other weapon.
24	817.234(8)(a)	2nd	Solicitation of motor vehicle
25			accident victims with intent to
26			defraud.
27	817.234(9)	2nd	Organizing, planning, or
28			participating in an intentional
29			motor vehicle collision.
30	817.234(11)(c)	1st	Insurance fraud; property value
31			\$100,000 or more.

1	817.2341(2)(b)&		
2	(3)(b)	1st	Making false entries of material
3			fact or false statements
4			regarding property values
5			relating to the solvency of an
6			insuring entity which are a
7			significant cause of the
8			insolvency of that entity.
9	825.102(3)(b)	2nd	Neglecting an elderly person or
10			disabled adult causing great
11			bodily harm, disability, or
12			disfigurement.
13	825.103(2)(b)	2nd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$20,000 or more, but
16			less than \$100,000.
17	827.03(3)(b)	2nd	Neglect of a child causing great
18			bodily harm, disability, or
19			disfigurement.
20	827.04(3)	3rd	Impregnation of a child under 16
21			years of age by person 21 years
22			of age or older.
23	837.05(2)	3rd	Giving false information about
24			alleged capital felony to a law
25			enforcement officer.
26	838.015	2nd	Bribery.
27	838.016	2nd	Unlawful compensation or reward
28			for official behavior.
29	838.021(3)(a)	2nd	Unlawful harm to a public
30			servant.
31	838.22	2nd	Bid tampering.

1	872.06	2nd	Abuse of a dead human body.
2	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
3			cocaine (or other drug prohibited
4			under s. 893.03(1)(a), (1)(b),
5			(1)(d), (2)(a), (2)(b), or
6			(2)(c)4.) within 1,000 feet of a
7			child care facility, school, or
8			state, county, or municipal park
9			or publicly owned recreational
10			facility or community center.
11	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
12			cocaine or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), (2)(b), or
15			(2)(c)4., within 1,000 feet of
16			property used for religious
17			services or a specified business
18			site.
19	893.13(4)(a)	1st	Deliver to minor cocaine (or
20			other s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), (2)(b), or
22			(2)(c)4. drugs).
23	893.135(1)(a)1.	1st	Trafficking in cannabis, more
24			than 25 lbs., less than 2,000
25			lbs.
26	893.135		
27	(1)(b)1.a.	1st	Trafficking in cocaine, more than
28			28 grams, less than 200 grams.
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1	893.135		
2	(1)(c)1.a.	1st	Trafficking in illegal drugs,
3			more than 4 grams, less than 14
4			grams.
5	893.135		
6	(1)(d)1.	1st	Trafficking in phencyclidine,
7			more than 28 grams, less than 200
8			grams.
9	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
10			than 200 grams, less than 5
11			kilograms.
12	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
13			than 14 grams, less than 28
14			grams.
15	893.135		
16	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
17			grams or more, less than 14
18			grams.
19	893.135		
20	(1)(h)1.a.	1st	Trafficking in
21			gamma-hydroxybutyric acid (GHB),
22			1 kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
26			kilogram or more, less than 5
27			kilograms.
28	893.135		
29	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
30			10 grams or more, less than 200
31			grams.

1 896.101(5)(a) 3rd Money laundering, financial
2 transactions exceeding \$300 but
3 less than \$20,000.
4 896.104(4)(a)1. 3rd Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions exceeding \$300 but
8 less than \$20,000.

9 Section 4. This act shall take effect July 1, 2005.

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12 SENATE SUMMARY

13 Provides that stealing property that has been deployed by
14 a law enforcement officer is grand theft in the first
15 degree. Prohibits possessing or using a fifth wheel to
16 commit or attempt to commit theft. Classifies the offense
17 of stealing property deployed by a law enforcement
18 officer under the offense severity ranking chart of the
19 Criminal Punishment Code.
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