

1 A bill to be entitled
 2 An act relating to theft; amending s. 812.014, F.S.;
 3 providing that the theft of property that has been
 4 deployed by a law enforcement officer is grand theft in
 5 the first degree; providing criminal penalties; creating
 6 s. 812.0147, F.S.; providing that it is a second-degree
 7 felony to alter, possess, or use a fifth wheel to commit
 8 or attempt to commit theft; providing criminal penalties;
 9 amending s. 921.0022, F.S.; classifying the offense of
 10 stealing property deployed by a law enforcement officer
 11 under the offense severity ranking chart of the Criminal
 12 Punishment Code; reenacting s. 985.227(1)(a), F.S.,
 13 relating to prosecution of juveniles as adults, in order
 14 to incorporate the amendment to s. 812.014, F.S., in a
 15 reference thereto; providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Paragraph (a) of subsection (2) of section
 20 812.014, Florida Statutes, is amended to read:

21 812.014 Theft.--

22 (2)(a)1. If the property stolen is valued at \$100,000 or
 23 more or has been deployed by a law enforcement officer; or

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

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

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

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

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

40 Section 2. Section 812.0147, Florida Statutes, is created
 41 to read:

42 812.0147 Unlawful possession or use of a fifth wheel.--

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

50 (2) Any person who violates subsection (1) commits a
 51 felony of the second degree, punishable as provided in s.
 52 775.082, s. 775.083, or s. 775.084.

53 Section 3. Paragraph (g) of subsection (3) of section
 54 921.0022, Florida Statutes, is amended to read:

55 921.0022 Criminal Punishment Code; offense severity
 56 ranking chart.--

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(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights

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63	327.35(3)(c)2.	3rd	activated. Vessel BUI resulting in serious bodily injury.
64	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
65	409.920(2)	3rd	Medicaid provider fraud.
66	456.065(2)	3rd	Practicing a health care profession without a license.
67	456.065(2)	2nd	Practicing a health care profession without a license which results in

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68			serious bodily injury.
	458.327(1)	3rd	Practicing medicine without a license.
69			Practicing osteopathic medicine without a license.
	459.013(1)	3rd	
70			Practicing chiropractic medicine without a license.
	460.411(1)	3rd	
71			Practicing podiatric medicine without a license.
	461.012(1)	3rd	
72			Practicing naturopathy without a license.
	462.17	3rd	
73			Practicing optometry without a license.
	463.015(1)	3rd	
74			Practicing nursing without a license.
	464.016(1)	3rd	

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465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a

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484.053

3rd

prescription.

Dispensing hearing aids without a license.

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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.

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560.123(8)(b)1.

3rd

Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

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560.125(5)(a)

3rd

Money transmitter business by unauthorized person, currency or payment instruments

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86	655.50(10)(b)1.	3rd	exceeding \$300 but less than \$20,000.
87	782.051(3)	2nd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
88	782.07(1)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
89	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
			Killing of human being or viable

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			fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
90	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
91	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
92	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
93	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
94	784.048(4)	3rd	Aggravated stalking;

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			violation of injunction or court order.
95	784.048(7)	3rd	Aggravated stalking; violation of court order.
96	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
97	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
98	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
99	784.081(1)	1st	Aggravated battery on specified official or employee.
100	784.082(1)	1st	Aggravated battery by detained person

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101			on visitor or other detainee.
	784.083(1)	1st	Aggravated battery on code inspector.
102			Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
	790.07(4)	1st	
103			Discharge of a machine gun under specified circumstances.
	790.16(1)	1st	
104			Manufacture, sell, possess, or deliver hoax bomb.
	790.165(2)	2nd	
105			Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.165(3)	2nd	

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790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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796.03 2nd Procuring any person under 16 years for prostitution.

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800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or

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111	806.01(2)	2nd	older but less than 16 years; offender 18 years or older.
112	810.02(3)(a)	2nd	Maliciously damage structure by fire or explosive.
113	810.02(3)(b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
114	810.02(3)(d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
115	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more <u>or deployed</u> <u>by a law enforcement</u> <u>officer</u> ; property

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116	812.014(2)(b)2.	2nd	stolen while causing other property damage; 1st degree grand theft.
117	812.014(2)(b)3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
118	812.0145(2)(a)	1st	Property stolen, emergency medical equipment; 2nd degree grand theft.
119	812.019(2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
120			Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

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121	812.131(2)(a)	2nd	Robbery by sudden snatching.
122	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
123	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
124	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
125	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341(2)(b) &(3)(b)	1st	Making false entries of material fact or false statements regarding property

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825.102(3)(b)

2nd

values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

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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.

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827.03(3)(b)

2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

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130	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
131	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
132	838.015	2nd	Bribery.
133	838.016	2nd	Unlawful compensation or reward for official behavior.
134	838.021(3)(a)	2nd	Unlawful harm to a public servant.
135	838.22	2nd	Bid tampering.
136	872.06	2nd	Abuse of a dead human body.
	893.13(1)(c)1.	1st	Sell, manufacture,

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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.

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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 services
 or a specified

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138	893.13(4)(a)	1st	business site.
139	893.135(1)(a)1.	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).
140	893.135(1)(b)1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
141	893.135(1)(c)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
142	893.135(1)(d)1.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
			Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

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143	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
144	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
145	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
146	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
147	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

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893.135(1)(k)2.a. 1st Trafficking in
Phenethylamines, 10
grams or more, less
than 200 grams.

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896.101(5)(a) 3rd Money laundering,
financial
transactions
exceeding \$300 but
less than \$20,000.

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896.104(4)(a)1. 3rd Structuring
transactions to
evade reporting or
registration
requirements,
financial
transactions
exceeding \$300 but
less than \$20,000.

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152 Section 4. For the purpose of incorporating the amendment
153 to section 812.014, Florida Statutes, in a reference thereto,
154 paragraph (a) of subsection (1) of section 985.227, Florida
155 Statutes, is reenacted to read:

156 985.227 Prosecution of juveniles as adults by the direct
157 filing of an information in the criminal division of the circuit

158 court; discretionary criteria; mandatory criteria.--

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

160 (a) With respect to any child who was 14 or 15 years of
 161 age at the time the alleged offense was committed, the state
 162 attorney may file an information when in the state attorney's
 163 judgment and discretion the public interest requires that adult
 164 sanctions be considered or imposed and when the offense charged
 165 is for the commission of, attempt to commit, or conspiracy to
 166 commit:

- 167 1. Arson;
- 168 2. Sexual battery;
- 169 3. Robbery;
- 170 4. Kidnapping;
- 171 5. Aggravated child abuse;
- 172 6. Aggravated assault;
- 173 7. Aggravated stalking;
- 174 8. Murder;
- 175 9. Manslaughter;
- 176 10. Unlawful throwing, placing, or discharging of a
 177 destructive device or bomb;
- 178 11. Armed burglary in violation of s. 810.02(2)(b) or
 179 specified burglary of a dwelling or structure in violation of s.
 180 810.02(2)(c), or burglary with an assault or battery in
 181 violation of s. 810.02(2)(a);
- 182 12. Aggravated battery;
- 183 13. Any lewd or lascivious offense committed upon or in
 184 the presence of a person less than 16 years of age;
- 185 14. Carrying, displaying, using, threatening, or

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186 attempting to use a weapon or firearm during the commission of a
 187 felony;

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

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

191 17. Home invasion robbery;

192 18. Carjacking; or

193 19. Grand theft of a motor vehicle in violation of s.
 194 812.014(2)(c)6. or grand theft of a motor vehicle valued at
 195 \$20,000 or more in violation of s. 812.014(2)(b) if the child
 196 has a previous adjudication for grand theft of a motor vehicle
 197 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

198 Section 5. This act shall take effect July 1, 2005.