

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to theft; amending s. 812.014, F.S.;
7 providing that the theft of a semitrailer that was
8 deployed by a law enforcement officer is grand theft in
9 the first degree; providing criminal penalties; creating
10 s. 812.0147, F.S.; providing that it is a second-degree
11 felony to alter, possess, or use a fifth wheel to commit
12 or attempt to commit theft; providing criminal penalties;
13 amending s. 812.155, F.S.; deleting a provision specifying
14 that the prohibition against obtaining personal property
15 or equipment with intent to defraud does not apply to a
16 rental-purchase agreement unless the rental store retains
17 title to the property or equipment throughout the period
18 of the rental-purchase agreement; amending s. 921.0022,
19 F.S.; classifying the offense of stealing a semitrailer
20 deployed by a law enforcement officer under the offense
21 severity ranking chart of the Criminal Punishment Code;
22 reenacting s. 985.227(1)(a), F.S., relating to prosecution
23 of juveniles as adults, in order to incorporate the

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24 amendment to s. 812.014, F.S., in a reference thereto;
25 providing an effective date.

26

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

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29 Section 1. Paragraph (a) of subsection (2) of section
30 812.014, Florida Statutes, is amended to read:

31 812.014 Theft.--

32 (2)(a)1. If the property stolen is valued at \$100,000 or
33 more or is a semitrailer that was deployed by a law enforcement
34 officer; or

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

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

40 a. In the course of committing the offense the offender
41 uses a motor vehicle as an instrumentality, other than merely as
42 a getaway vehicle, to assist in committing the offense and
43 thereby damages the real property of another; or

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

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48 the offender commits grand theft in the first degree, punishable
49 as a felony of the first degree, as provided in s. 775.082, s.
50 775.083, or s. 775.084.

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51 Section 2. Section 812.0147, Florida Statutes, is created
52 to read:

53 812.0147 Unlawful possession or use of a fifth wheel.--

54 (1) A person may not modify, alter, or attempt to alter,
55 and if altered, sell, possess, offer for sale, move, or cause to
56 be moved onto the highways of this state, a device known as a
57 fifth wheel with the intent to use the fifth wheel to commit or
58 attempt to commit theft. As used in this section, the term
59 "fifth wheel" applies only to a fifth wheel on a semitrailer.

60 (2) Any person who violates subsection (1) commits a
61 felony of the second degree, punishable as provided in s.
62 775.082, s. 775.083, or s. 775.084.

63 Section 3. Subsection (7) of section 812.155, Florida
64 Statutes, is amended to read:

65 812.155 Hiring, leasing, or obtaining personal property or
66 equipment with the intent to defraud; failing to return hired or
67 leased personal property or equipment; rules of evidence.--

68 ~~(7) EXCLUSION OF RENTAL PURCHASE AGREEMENTS.--This section~~
69 ~~does not apply to personal property or equipment that is the~~
70 ~~subject of a rental purchase agreement that permits the lessee~~
71 ~~to acquire ownership of the personal property or equipment~~
72 ~~unless the rental store retains title to the personal property~~
73 ~~or equipment throughout the rental purchase agreement period.~~

74 Section 4. Paragraph (g) of subsection (3) of section
75 921.0022, Florida Statutes, is amended to read:

76 921.0022 Criminal Punishment Code; offense severity
77 ranking chart.--

78 (3) OFFENSE SEVERITY RANKING CHART

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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 activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily

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			harm, permanent disfiguration, permanent disability, or death.
86	409.920(2)	3rd	Medicaid provider fraud.
87	456.065(2)	3rd	Practicing a health care profession without a license.
88	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
89	458.327(1)	3rd	Practicing medicine without a license.
90	459.013(1)	3rd	Practicing osteopathic medicine without a license.
91	460.411(1)	3rd	Practicing chiropractic medicine without a license.
92	461.012(1)	3rd	Practicing podiatric medicine without a license.
93	462.17	3rd	Practicing naturopathy without a license.
94	463.015(1)	3rd	Practicing optometry without

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95	464.016(1)	3rd	a license. Practicing nursing without a license.
96	465.015(2)	3rd	Practicing pharmacy without a license.
97	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
98	467.201	3rd	Practicing midwifery without a license.
99	468.366	3rd	Delivering respiratory care services without a license.
100	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
101	483.901(9)	3rd	Practicing medical physics without a license.
102	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
103	484.053	3rd	Dispensing hearing aids

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104	494.0018(2)	1st	without a license. 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.
105	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
106	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
107	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
108	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted

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			felony.
109	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
110	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
111	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
112	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
113	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
114	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
115	784.048(4)	3rd	Aggravated stalking;

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			violation of injunction or court order.
116	784.048(7)	3rd	Aggravated stalking; violation of court order.
117	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
118	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
119	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
120	784.081(1)	1st	Aggravated battery on specified official or employee.
121	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
122	784.083(1)	1st	Aggravated battery on code inspector.
123	790.07(4)	1st	Specified weapons violation subsequent to previous

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			conviction of s. 790.07(1) or (2).
124	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
125	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
126	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
127	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
128	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
129	796.03	2nd	Procuring any person under 16 years for prostitution.
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131	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
132	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.
133	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
134	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
135	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
136	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more <u>or a semitrailer deployed by a law</u>

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			<u>enforcement officer</u> ; property stolen while causing other property damage; 1st degree grand theft.
137	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
138	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
139	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
140	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
141	812.131(2)(a)	2nd	Robbery by sudden snatching.
142	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
143	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent

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			to defraud.
144	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
145	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
146	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.
147	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
148	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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149	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
150	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
151	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
152	838.015	2nd	Bribery.
153	838.016	2nd	Unlawful compensation or reward for official behavior.
154	838.021(3)(a)	2nd	Unlawful harm to a public servant.
155	838.22	2nd	Bid tampering.
156	872.06	2nd	Abuse of a dead human body.
157	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.)

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			within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
158	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 business site.
159	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).
160	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
161	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
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163	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
164	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
165	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
166	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
167	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
168	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
169	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
169	893.135(1)(k)2.a.	1st	Trafficking in

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170	896.101(5)(a)	3rd	Phenethylamines, 10 grams or more, less than 200 grams.
171	896.104(4)(a)1.	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000. Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

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173 Section 5. For the purpose of incorporating the amendment

174 to section 812.014, Florida Statutes, in a reference thereto,

175 paragraph (a) of subsection (1) of section 985.227, Florida

176 Statutes, is reenacted to read:

177 985.227 Prosecution of juveniles as adults by the direct

178 filing of an information in the criminal division of the circuit

179 court; discretionary criteria; mandatory criteria.--

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

181 (a) With respect to any child who was 14 or 15 years of

182 age at the time the alleged offense was committed, the state

183 attorney may file an information when in the state attorney's

184 judgment and discretion the public interest requires that adult

185 sanctions be considered or imposed and when the offense charged

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- 186 | is for the commission of, attempt to commit, or conspiracy to
 187 | commit:
- 188 | 1. Arson;
 - 189 | 2. Sexual battery;
 - 190 | 3. Robbery;
 - 191 | 4. Kidnapping;
 - 192 | 5. Aggravated child abuse;
 - 193 | 6. Aggravated assault;
 - 194 | 7. Aggravated stalking;
 - 195 | 8. Murder;
 - 196 | 9. Manslaughter;
 - 197 | 10. Unlawful throwing, placing, or discharging of a
 198 | destructive device or bomb;
 - 199 | 11. Armed burglary in violation of s. 810.02(2)(b) or
 200 | specified burglary of a dwelling or structure in violation of s.
 201 | 810.02(2)(c), or burglary with an assault or battery in
 202 | violation of s. 810.02(2)(a);
 - 203 | 12. Aggravated battery;
 - 204 | 13. Any lewd or lascivious offense committed upon or in
 205 | the presence of a person less than 16 years of age;
 - 206 | 14. Carrying, displaying, using, threatening, or
 207 | attempting to use a weapon or firearm during the commission of a
 208 | felony;
 - 209 | 15. Grand theft in violation of s. 812.014(2)(a);
 - 210 | 16. Possessing or discharging any weapon or firearm on
 211 | school property in violation of s. 790.115;
 - 212 | 17. Home invasion robbery;
 - 213 | 18. Carjacking; or

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214 | 19. Grand theft of a motor vehicle in violation of s.
215 | 812.014(2)(c)6. or grand theft of a motor vehicle valued at
216 | \$20,000 or more in violation of s. 812.014(2)(b) if the child
217 | has a previous adjudication for grand theft of a motor vehicle
218 | in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

219 | Section 6. This act shall take effect July 1, 2005.