

1 incorporate the amendment to s. 812.014, F.S.,
2 in a reference thereto; providing an effective
3 date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Paragraph (a) of subsection (2) of section
8 812.014, Florida Statutes, is amended to read:

9 812.014 Theft.--

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

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

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

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

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

25
26 the offender commits grand theft in the first degree,
27 punishable as a felony of the first degree, as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 2. Section 812.0147, Florida Statutes, is
30 created to read:
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1 812.0147 Unlawful possession or use of a fifth
2 wheel.--

3 (1) A person may not modify, alter, attempt to alter,
4 and if altered, sell, possess, offer for sale, move, or cause
5 to be moved onto the highways of this state a device known as
6 a fifth wheel with the intent to use the fifth wheel to commit
7 or attempt to commit theft. As used in this section, the term
8 "fifth wheel" applies only to a fifth wheel on a commercial
9 motor vehicle.

10 (2) Any person who violates subsection (1) commits a
11 felony of the second degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084.

13 Section 3. Section 812.155, F.S., is amended to read:

14 812.155 Hiring, leasing, or obtaining personal
15 property or equipment with the intent to defraud; failing to
16 return hired or leased personal property or equipment; rules
17 of evidence.--

18 (1) OBTAINING BY TRICK, FALSE REPRESENTATION,
19 ETC.--Whoever, with the intent to defraud the owner or any
20 person lawfully possessing any personal property or equipment,
21 obtains the custody of such personal property or equipment by
22 trick, deceit, or fraudulent or willful false representation
23 shall be guilty of a misdemeanor of the second degree,
24 punishable as provided in s. 775.082 or s. 775.083, unless the
25 value of the personal property or equipment is of a value of
26 \$300 or more; in that event the violation constitutes a felony
27 of the third degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084.

29 (2) HIRING OR LEASING WITH THE INTENT TO
30 DEFRAUD.--Whoever, with intent to defraud the owner or any
31 person lawfully possessing any personal property or equipment

1 of the rental thereof, hires or leases the ~~said~~ personal
2 property or equipment from the ~~such~~ owner or the ~~such~~ owner's
3 agents or any person in lawful possession thereof shall, upon
4 conviction, be guilty of a misdemeanor of the second degree,
5 punishable as provided in s. 775.082 or s. 775.083, unless the
6 value of the personal property or equipment is of a value of
7 \$300 or more; in that event the violation constitutes a felony
8 of the third degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084.

10 (3) FAILURE TO REDELIVER HIRED OR LEASED PERSONAL
11 PROPERTY.--Whoever, after hiring or leasing any personal
12 property or equipment under an agreement to redeliver the same
13 to the person letting such personal property or equipment or
14 his or her agent at the termination of the period for which it
15 was let, shall, without the consent of such person or persons
16 knowingly ~~and with the intent to defraud~~, abandon or ~~willfully~~
17 refuse to redeliver the ~~such~~ personal property or equipment as
18 agreed, shall, upon conviction, be guilty of a misdemeanor of
19 the second degree, punishable as provided in s. 775.082 or s.
20 775.083, unless the value of the personal property or
21 equipment is of a value of \$300 or more; in that event the
22 violation constitutes a felony of the third degree, punishable
23 as provided in s. 775.082, s. 775.083, or s. 775.084.

24 (4) EVIDENCE ~~OF FRAUDULENT INTENT~~.--

25 (a) In prosecutions under this section, obtaining the
26 property or equipment under false pretenses; absconding
27 without payment; or removing or attempting to remove the
28 property or equipment from the county without the express
29 written consent of the lessor, is ~~prima facie~~ evidence of
30 fraudulent intent.
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1 (b) In a prosecution under subsection (3), failure to
2 redeliver the property or equipment within 5 days after
3 receipt of, or within 5 days after return receipt from, the
4 certified mailing of the demand for return is ~~prima facie~~
5 evidence of abandonment or refusal to redeliver the property
6 ~~fraudulent intent~~. Notice mailed by certified mail, return
7 receipt requested, to the address given by the renter at the
8 time of rental shall be deemed sufficient and equivalent to
9 notice having been received by the renter, should the notice
10 be returned undelivered.

11 (c) In a prosecution under subsection (3), failure to
12 pay any amount due which is incurred as the result of the
13 failure to redeliver property after the rental period expires,
14 and after the demand for return is made, is ~~prima facie~~
15 evidence of abandonment or refusal to redeliver the property
16 ~~fraudulent intent~~. Amounts due include unpaid rental for the
17 time period during which the property or equipment was not
18 returned and include the lesser of the cost of repairing or
19 replacing the property or equipment if it has been damaged.

20 (5) DEMAND FOR RETURN.--Demand for return of overdue
21 property or equipment and for payment of amounts due may be
22 made in person, by hand delivery, or by certified mail, return
23 receipt requested, addressed to the lessee's address shown in
24 the rental contract.

25 (6) NOTICE REQUIRED.--As a prerequisite to prosecution
26 under this section, the following statement must be contained
27 in the agreement under which the owner or person lawfully
28 possessing the property or equipment has relinquished its
29 custody, or in an addendum to that agreement, and the
30 statement must be initialed by the person hiring or leasing
31 the rental property or equipment:

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Failure to return rental property or equipment upon expiration of the rental period and failure to pay all amounts due (including costs for damage to the property or equipment) are prima facie evidence of abandonment or refusal to redeliver the property intent to defraud, punishable in accordance with section 812.155, Florida Statutes.

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

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

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

(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.

1	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
2			injury.
3	316.1935(3)(b)	1st	Causing serious bodily injury or
4			death to another person; driving
5			at high speed or with wanton
6			disregard for safety while
7			fleeing or attempting to elude
8			law enforcement officer who is in
9			a patrol vehicle with siren and
10			lights activated.
11	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
12			bodily injury.
13	402.319(2)	2nd	Misrepresentation and negligence
14			or intentional act resulting in
15			great bodily harm, permanent
16			disfiguration, permanent
17			disability, or death.
18	409.920(2)	3rd	Medicaid provider fraud.
19	456.065(2)	3rd	Practicing a health care
20			profession without a license.
21	456.065(2)	2nd	Practicing a health care
22			profession without a license
23			which results in serious bodily
24			injury.
25	458.327(1)	3rd	Practicing medicine without a
26			license.
27	459.013(1)	3rd	Practicing osteopathic medicine
28			without a license.
29	460.411(1)	3rd	Practicing chiropractic medicine
30			without a license.
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1	461.012(1)	3rd	Practicing podiatric medicine
2			without a license.
3	462.17	3rd	Practicing naturopathy without a
4			license.
5	463.015(1)	3rd	Practicing optometry without a
6			license.
7	464.016(1)	3rd	Practicing nursing without a
8			license.
9	465.015(2)	3rd	Practicing pharmacy without a
10			license.
11	466.026(1)	3rd	Practicing dentistry or dental
12			hygiene without a license.
13	467.201	3rd	Practicing midwifery without a
14			license.
15	468.366	3rd	Delivering respiratory care
16			services without a license.
17	483.828(1)	3rd	Practicing as clinical laboratory
18			personnel without a license.
19	483.901(9)	3rd	Practicing medical physics
20			without a license.
21	484.013(1)(c)	3rd	Preparing or dispensing optical
22			devices without a prescription.
23	484.053	3rd	Dispensing hearing aids without a
24			license.
25	494.0018(2)	1st	Conviction of any violation of
26			ss. 494.001-494.0077 in which the
27			total money and property
28			unlawfully obtained exceeded
29			\$50,000 and there were five or
30			more victims.
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1	560.123(8)(b)1.	3rd	Failure to report currency or
2			payment instruments exceeding
3			\$300 but less than \$20,000 by
4			money transmitter.
5	560.125(5)(a)	3rd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments exceeding
8			\$300 but less than \$20,000.
9	655.50(10)(b)1.	3rd	Failure to report financial
10			transactions exceeding \$300 but
11			less than \$20,000 by financial
12			institution.
13	775.21(10)(a)	3rd	Sexual predator; failure to
14			register; failure to renew
15			driver's license or
16			identification card; other
17			registration violations.
18	775.21(10)(b)	3rd	Sexual predator working where
19			children regularly congregate.
20	775.21(10)(g)	3rd	Failure to report or providing
21			false information about a sexual
22			predator; harbor or conceal a
23			sexual predator.
24	782.051(3)	2nd	Attempted felony murder of a
25			person by a person other than the
26			perpetrator or the perpetrator of
27			an attempted felony.
28	782.07(1)	2nd	Killing of a human being by the
29			act, procurement, or culpable
30			negligence of another
31			(manslaughter).

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	784.048(7)	3rd	Aggravated stalking; violation of
19			court order.
20	784.07(2)(d)	1st	Aggravated battery on law
21			enforcement officer.
22	784.074(1)(a)	1st	Aggravated battery on sexually
23			violent predators facility staff.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
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1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	790.165(2)	2nd	Manufacture, sell, possess, or
9			deliver hoax bomb.
10	790.165(3)	2nd	Possessing, displaying, or
11			threatening to use any hoax bomb
12			while committing or attempting to
13			commit a felony.
14	790.166(3)	2nd	Possessing, selling, using, or
15			attempting to use a hoax weapon
16			of mass destruction.
17	790.166(4)	2nd	Possessing, displaying, or
18			threatening to use a hoax weapon
19			of mass destruction while
20			committing or attempting to
21			commit a felony.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.
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1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)1.	1st	Property stolen, valued at
10			\$100,000 or more <u>or a semitrailer</u>
11			<u>deployed by a law enforcement</u>
12			<u>officer</u> ; property stolen while
13			causing other property damage;
14			1st degree grand theft.
15	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
16			less than \$50,000, grand theft in
17			2nd degree.
18	812.014(2)(b)3.	2nd	Property stolen, emergency
19			medical equipment; 2nd degree
20			grand theft.
21	812.0145(2)(a)	1st	Theft from person 65 years of age
22			or older; \$50,000 or more.
23	812.019(2)	1st	Stolen property; initiates,
24			organizes, plans, etc., the theft
25			of property and traffics in
26			stolen property.
27	812.131(2)(a)	2nd	Robbery by sudden snatching.
28	812.133(2)(b)	1st	Carjacking; no firearm, deadly
29			weapon, or other weapon.
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1	817.234(8)(a)	2nd	Solicitation of motor vehicle
2			accident victims with intent to
3			defraud.
4	817.234(9)	2nd	Organizing, planning, or
5			participating in an intentional
6			motor vehicle collision.
7	817.234(11)(c)	1st	Insurance fraud; property value
8			\$100,000 or more.
9	817.2341(2)(b)&		
10	(3)(b)	1st	Making false entries of material
11			fact or false statements
12			regarding property values
13			relating to the solvency of an
14			insuring entity which are a
15			significant cause of the
16			insolvency of that entity.
17	825.102(3)(b)	2nd	Neglecting an elderly person or
18			disabled adult causing great
19			bodily harm, disability, or
20			disfigurement.
21	825.103(2)(b)	2nd	Exploiting an elderly person or
22			disabled adult and property is
23			valued at \$20,000 or more, but
24			less than \$100,000.
25	827.03(3)(b)	2nd	Neglect of a child causing great
26			bodily harm, disability, or
27			disfigurement.
28	827.04(3)	3rd	Impregnation of a child under 16
29			years of age by person 21 years
30			of age or older.
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1	837.05(2)	3rd	Giving false information about
2			alleged capital felony to a law
3			enforcement officer.
4	838.015	2nd	Bribery.
5	838.016	2nd	Unlawful compensation or reward
6			for official behavior.
7	838.021(3)(a)	2nd	Unlawful harm to a public
8			servant.
9	838.22	2nd	Bid tampering.
10	847.0135(3)	3rd	Solicitation of a child, via a
11			computer service, to commit an
12			unlawful sex act.
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.
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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	943.0435(4)(c)	2nd	Sexual offender vacating
23			permanent residence; failure to
24			comply with reporting
25			requirements.
26	943.0435(8)	2nd	Sexual offender; remains in state
27			after indicating intent to leave;
28			failure to comply with reporting
29			requirements.
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1 943.0435(9)(a) 3rd Sexual offender; failure to
2 comply with reporting
3 requirements.
4 943.0435(13) 3rd Failure to report or providing
5 false information about a sexual
6 offender; harbor or conceal a
7 sexual offender.
8 943.0435(14) 3rd Sexual offender; failure to
9 report and reregister; failure to
10 respond to address verification.
11 944.607(9) 3rd Sexual offender; failure to
12 comply with reporting
13 requirements.
14 944.607(10)(a) 3rd Sexual offender; failure to
15 submit to the taking of a
16 digitized photograph.
17 944.607(12) 3rd Failure to report or providing
18 false information about a sexual
19 offender; harbor or conceal a
20 sexual offender.
21 944.607(13) 3rd Sexual offender; failure to
22 report and reregister; failure to
23 respond to address verification.

24 Section 5. For the purpose of incorporating the
25 amendment made by this act to section 812.014, Florida
26 Statutes, in a reference thereto, paragraph (a) of subsection
27 (1) of section 985.227, Florida Statutes, is reenacted to
28 read:

29 985.227 Prosecution of juveniles as adults by the
30 direct filing of an information in the criminal division of
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1 | the circuit court; discretionary criteria; mandatory
2 | criteria.--
3 | (1) DISCRETIONARY DIRECT FILE; CRITERIA.--
4 | (a) With respect to any child who was 14 or 15 years
5 | of age at the time the alleged offense was committed, the
6 | state attorney may file an information when in the state
7 | attorney's judgment and discretion the public interest
8 | requires that adult sanctions be considered or imposed and
9 | when the offense charged is for the commission of, attempt to
10 | commit, or conspiracy to commit:
11 | 1. Arson;
12 | 2. Sexual battery;
13 | 3. Robbery;
14 | 4. Kidnapping;
15 | 5. Aggravated child abuse;
16 | 6. Aggravated assault;
17 | 7. Aggravated stalking;
18 | 8. Murder;
19 | 9. Manslaughter;
20 | 10. Unlawful throwing, placing, or discharging of a
21 | destructive device or bomb;
22 | 11. Armed burglary in violation of s. 810.02(2)(b) or
23 | specified burglary of a dwelling or structure in violation of
24 | s. 810.02(2)(c), or burglary with an assault or battery in
25 | violation of s. 810.02(2)(a);
26 | 12. Aggravated battery;
27 | 13. Any lewd or lascivious offense committed upon or
28 | in the presence of a person less than 16 years of age;
29 | 14. Carrying, displaying, using, threatening, or
30 | attempting to use a weapon or firearm during the commission of
31 | a felony;

- 1 15. Grand theft in violation of s. 812.014(2)(a);
2 16. Possessing or discharging any weapon or firearm on
3 school property in violation of s. 790.115;
4 17. Home invasion robbery;
5 18. Carjacking; or
6 19. Grand theft of a motor vehicle in violation of s.
7 812.014(2)(c)6. or grand theft of a motor vehicle valued at
8 \$20,000 or more in violation of s. 812.014(2)(b) if the child
9 has a previous adjudication for grand theft of a motor vehicle
10 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

11 Section 6. This act shall take effect July 1, 2006.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 CS/SB 158

16 This committee substitute differs from the bill as filed in
17 the following manner:

- 18 - Amends s 812.155, F.S., to eliminate the necessity to
19 prove fraudulent intent to obtain a conviction where a
20 lessee of rental property or equipment fails to redeliver
21 that property or equipment after receiving a demand for
22 its return; and
23 - Eliminates the prima facie evidence of fraudulent intent
24 inference that may be drawn from the failure to redeliver
25 property after a demand for return has been made.
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