

1 A bill to be entitled
 2 An act relating to driver licenses and driving
 3 privileges; creating the "Driver's Accountability
 4 Act"; amending s. 318.18, F.S.; providing a criminal
 5 and civil penalty payment alternative when a court
 6 finds the violator has demonstrable financial
 7 hardship; amending s. 322.34, F.S., relating to
 8 driving while a license is suspended, revoked,
 9 canceled, or disqualified; revising penalty
 10 provisions; amending s. 322.245, F.S.; revising
 11 provisions for the Department of Highway Safety and
 12 Motor Vehicles to suspend the license of a person who
 13 has failed to pay a financial obligation for a
 14 criminal offense; amending ss. 921.0022 and 932.701,
 15 F.S.; conforming cross-references; providing an
 16 effective date.

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

19
 20 Section 1. This act may be cited as the "Driver's
 21 Accountability Act."

22 Section 2. Subsection (8) of section 318.18, Florida
 23 Statutes, is amended to read:

24 318.18 Amount and payment of criminal and civil penalties.—
 25 The penalties required for a noncriminal disposition pursuant to
 26 s. 318.14 or a criminal offense listed in s. 318.17 are as
 27 follows:

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28 (8) (a) Any person who fails to comply with the court's
29 requirements or who fails to pay the civil penalties specified
30 in this section within the 30-day period provided for in s.
31 318.14 must pay an additional civil penalty of \$16, \$6.50 of
32 which must be remitted to the Department of Revenue for deposit
33 in the General Revenue Fund, and \$9.50 of which must be remitted
34 to the Department of Revenue for deposit in the Highway Safety
35 Operating Trust Fund. Of this additional civil penalty of \$16,
36 \$4 is not revenue for purposes of s. 28.36 and may not be used
37 in establishing the budget of the clerk of the court under that
38 section or s. 28.35. The department shall contract with the
39 Florida Association of Court Clerks, Inc., to design, establish,
40 operate, upgrade, and maintain an automated statewide Uniform
41 Traffic Citation Accounting System to be operated by the clerks
42 of the court which shall include, but not be limited to, the
43 accounting for traffic infractions by type, a record of the
44 disposition of the citations, and an accounting system for the
45 fines assessed and the subsequent fine amounts paid to the
46 clerks of the court. On or before December 1, 2001, the clerks
47 of the court must provide the information required by this
48 chapter to be transmitted to the department by electronic
49 transmission pursuant to the contract.

50 (b)1.a. If a person has been ordered to pay a civil penalty
51 for a noncriminal traffic infraction and the person is unable to
52 comply with the court's order due to demonstrable financial
53 hardship, the court shall allow the person to satisfy the civil
54 penalty by participating in community service until the civil
55 penalty is paid.

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56 b. If a person has been ordered to pay a criminal penalty,
57 including court costs, fines, or fees associated with a criminal
58 offense and the person is unable to comply with the court's
59 order due to demonstrable financial hardship, the court shall
60 allow the person to satisfy the criminal penalty by
61 participating in community service until the penalty is paid. In
62 determining whether a person has the ability to pay the criminal
63 penalty, the court shall consider the financial resources of the
64 person, the present and potential future financial needs and
65 earning ability of the person and his or her dependents, and
66 such other factors which it deems appropriate. If the court
67 finds that the person has the inability to pay, the court shall
68 consider converting the outstanding penalty to community
69 service.

70 ~~c.b.~~ If a court orders a person to perform community
71 service, the person shall receive credit for the civil penalty
72 at the specified hourly credit rate per hour of community
73 service performed, and each hour of community service performed
74 shall reduce the civil penalty by that amount.

75 2.a. As used in this paragraph, the term "specified hourly
76 credit rate" means the wage rate that is specified in 29 U.S.C.
77 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
78 that is then in effect, and that an employer subject to such
79 provision must pay per hour to each employee subject to such
80 provision.

81 b. However, if a person ordered to perform community
82 service has a trade or profession for which there is a community
83 service need, the specified hourly credit rate for each hour of

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84 community service performed by that person shall be the average
85 prevailing wage rate for the trade or profession that the
86 community service agency needs.

87 3.a. The community service agency supervising the person
88 shall record the number of hours of community service completed
89 and the date the community service hours were completed. The
90 community service agency shall submit the data to the clerk of
91 court on the letterhead of the community service agency, which
92 must also bear the notarized signature of the person designated
93 to represent the community service agency.

94 b. When the number of community service hours completed by
95 the person equals the amount of the civil penalty, the clerk of
96 court shall certify this fact to the court. Thereafter, the
97 clerk of court shall record in the case file that the civil
98 penalty has been paid in full.

99 4. As used in this paragraph, the term:

100 a. "Community service" means uncompensated labor for a
101 community service agency.

102 b. "Community service agency" means a not-for-profit
103 corporation, community organization, charitable organization,
104 public officer, the state or any political subdivision of the
105 state, or any other body the purpose of which is to improve the
106 quality of life or social welfare of the community and which
107 agrees to accept community service from persons unable to pay
108 civil penalties for noncriminal traffic infractions.

109 (c) If the noncriminal infraction has caused or resulted
110 in the death of another, the person who committed the infraction

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111 may perform 120 community service hours under s. 316.027(4), in
112 addition to any other penalties.

113 Section 3. Section 322.34, Florida Statutes, is amended to
114 read:

115 322.34 Driving while license suspended, revoked, canceled,
116 or disqualified.—

117 (1) ~~Except as provided in subsection (2),~~ Any person whose
118 driver ~~driver's~~ license or driving privilege has been canceled
119 ~~or,~~ suspended, ~~or revoked, except a "habitual traffic offender"~~
120 ~~as defined in s. 322.264,~~ who drives a vehicle on ~~upon~~ the
121 highways of this state while such license or privilege is
122 canceled ~~or,~~ suspended commits, ~~or revoked is guilty of~~ a moving
123 violation, except as provided in subsection (2), punishable as
124 provided in chapter 318.

125 (2) (a) Any person whose license has been suspended for
126 failing to pay child support as provided in s. 322.245 or s.
127 61.13016 who, knowing of such suspension, drives any motor
128 vehicle on the highways of this state while such license or
129 privilege is suspended, upon:

130 1. A first conviction is guilty of a misdemeanor of the
131 second degree, punishable as provided in s. 775.082 or s.
132 775.083.

133 2. A second or subsequent conviction is guilty of a
134 misdemeanor of the first degree, punishable as provided in s.
135 775.082 or s. 775.083.

136 (b) Any person whose driver ~~driver's~~ license or driving
137 privilege has been suspended under s. 322.2615 or ~~canceled,~~
138 ~~suspended,~~ ~~or~~ revoked as provided by law, except persons defined

139 as habitual traffic offenders in s. 322.264, who, knowing of
 140 such ~~cancellation~~, suspension, or revocation, drives any motor
 141 vehicle ~~on~~ ~~upon~~ the highways of this state while such license or
 142 privilege is ~~canceled~~, suspended, or revoked, upon:

143 1.(a) A first conviction is guilty of a misdemeanor of the
 144 second degree, punishable as provided in s. 775.082 or s.
 145 775.083.

146 2.(b) A second conviction is guilty of a misdemeanor of
 147 the first degree, punishable as provided in s. 775.082 or s.
 148 775.083.

149 3.(e) A third or subsequent conviction is guilty of a
 150 felony of the third degree, punishable as provided in s.
 151 775.082, s. 775.083, or s. 775.084.

152 (3) A person whose driver license or driving privilege has
 153 been revoked as a habitual traffic offender pursuant to s.
 154 322.264(1)(d) who, knowing of such revocation, drives any motor
 155 vehicle on the highways of this state while such license or
 156 privilege is revoked, upon:

157 (a) A first conviction, is guilty of a misdemeanor of the
 158 second degree, punishable as provided in s. 775.082 or s.
 159 775.083.

160 (b) A second conviction, is guilty of a misdemeanor of the
 161 first degree, punishable as provided in s. 775.082 or s.
 162 775.083.

163 (c) A third or subsequent conviction, is guilty of:

164 1. A misdemeanor of the first degree, punishable as
 165 provided in s.775.082 or s.775.083, if the person's designation
 166 as a habitual traffic offender is based only on the offenses of

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167 driving while a license is suspended or canceled under s.
168 322.34(1); or

169 2. A felony of the third degree, punishable as provided in
170 s. 775.082, s. 775.083, or s. 775.084, if the person's
171 designation as a habitual traffic offender is based on any
172 offense of driving while a license is suspended or revoked under
173 subsection (2).

174 (4) Any person whose driver license or driving privilege
175 has been revoked as a habitual traffic offender pursuant to s.
176 322.264 for violations other than a violation of s.
177 322.264(1)(d), who knowing of such revocation, drives any motor
178 vehicle on the highways of this state while such license or
179 privilege is revoked commits a felony of the third degree,
180 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

181 (5) Any person whose driver license or driving privilege
182 has been revoked as a habitual traffic offender under s. 322.264
183 that has a prior forcible felony conviction as defined in s.
184 776.08 who, knowing of such revocation, drives any motor vehicle
185 on the highways of this state while such license or privilege is
186 revoked commits a felony of the third degree, punishable as
187 provided in s. 775.082, s. 775.083, or s. 775.084.

188 (6) The element of knowledge is satisfied if the person
189 has been previously cited as provided in subsections (2), (3),
190 and (4) ~~subsection (1)~~; or the person admits to knowledge of the
191 cancellation, suspension, or revocation; or the person received
192 notice as provided in subsection (8) ~~(4)~~. There shall be a
193 rebuttable presumption that the knowledge requirement is
194 satisfied if a judgment or order as provided in subsection (8)

195 ~~(4)~~ appears in the department's records for any case except for
 196 one involving a suspension by the department for failure to pay
 197 a traffic fine or for a financial responsibility violation.

198 (7)~~(3)~~ In any proceeding for a violation of this section,
 199 a court may consider evidence, other than that specified in
 200 subsection (2), that the person knowingly violated this section.

201 (8)~~(4)~~ Any judgment or order rendered by a court or
 202 adjudicatory body or any uniform traffic citation that cancels,
 203 suspends, or revokes a person's driver ~~driver's~~ license must
 204 contain a provision notifying the person that his or her driver
 205 ~~driver's~~ license has been canceled, suspended, or revoked.

206 ~~(5) Any person whose driver's license has been revoked~~
 207 ~~pursuant to s. 322.264 (habitual offender) and who drives any~~
 208 ~~motor vehicle upon the highways of this state while such license~~
 209 ~~is revoked is guilty of a felony of the third degree, punishable~~
 210 ~~as provided in s. 775.082, s. 775.083, or s. 775.084.~~

211 (9)~~(6)~~ Any person who operates a motor vehicle:

212 (a) Without having a driver ~~driver's~~ license as required
 213 under s. 322.03; or

214 (b) While his or her driver ~~driver's~~ license or driving
 215 privilege is canceled, suspended, or revoked pursuant to s.
 216 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),
 217 and who by careless or negligent operation of the motor vehicle
 218 causes the death of or serious bodily injury to another human
 219 being commits ~~is guilty of~~ a felony of the third degree,
 220 punishable as provided in s. 775.082 or s. 775.083.

221 (10)~~(7)~~ Any person whose driver ~~driver's~~ license or
 222 driving privilege has been canceled, suspended, revoked, or

223 disqualified and who drives a commercial motor vehicle on the
 224 highways of this state while such license or privilege is
 225 canceled, suspended, revoked, or disqualified, upon:

226 (a) A first conviction is guilty of a misdemeanor of the
 227 first degree, punishable as provided in s. 775.082 or s.
 228 775.083.

229 (b) A second or subsequent conviction is guilty of a
 230 felony of the third degree, punishable as provided in s.
 231 775.082, s. 775.083, or s. 775.084.

232 ~~(11)-(8)~~(a) Upon the arrest of a person for the offense of
 233 driving while the person's driver ~~driver's~~ license or driving
 234 privilege is suspended or revoked, the arresting officer shall
 235 determine:

236 1. Whether the person's driver ~~driver's~~ license is
 237 suspended or revoked.

238 2. Whether the person's driver ~~driver's~~ license has
 239 remained suspended or revoked since a conviction for the offense
 240 of driving with a suspended or revoked license.

241 3. Whether the suspension or revocation was made under s.
 242 316.646 or s. 627.733, relating to failure to maintain required
 243 security, or under s. 322.264, relating to habitual traffic
 244 offenders.

245 4. Whether the driver is the registered owner or coowner
 246 of the vehicle.

247 (b) If the arresting officer finds in the affirmative as
 248 to all of the criteria in paragraph (a), the officer shall
 249 immediately impound or immobilize the vehicle.

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250 (c) Within 7 business days after the date the arresting
251 agency impounds or immobilizes the vehicle, either the arresting
252 agency or the towing service, whichever is in possession of the
253 vehicle, shall send notice by certified mail to any coregistered
254 owners of the vehicle other than the person arrested and to each
255 person of record claiming a lien against the vehicle. All costs
256 and fees for the impoundment or immobilization, including the
257 cost of notification, must be paid by the owner of the vehicle
258 or, if the vehicle is leased, by the person leasing the vehicle.

259 (d) Either the arresting agency or the towing service,
260 whichever is in possession of the vehicle, shall determine
261 whether any vehicle impounded or immobilized under this section
262 has been leased or rented or if there are any persons of record
263 with a lien upon the vehicle. Either the arresting agency or the
264 towing service, whichever is in possession of the vehicle, shall
265 notify by express courier service with receipt or certified mail
266 within 7 business days after the date of the immobilization or
267 impoundment of the vehicle, the registered owner and all persons
268 having a recorded lien against the vehicle that the vehicle has
269 been impounded or immobilized. A lessor, rental car company, or
270 lienholder may then obtain the vehicle, upon payment of any
271 lawful towing or storage charges. If the vehicle is a rental
272 vehicle subject to a written contract, the charges may be
273 separately charged to the renter, in addition to the rental
274 rate, along with other separate fees, charges, and recoupments
275 disclosed on the rental agreement. If the storage facility fails
276 to provide timely notice to a lessor, rental car company, or
277 lienholder as required by this paragraph, the storage facility

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278 shall be responsible for payment of any towing or storage
279 charges necessary to release the vehicle to a lessor, rental car
280 company, or lienholder that accrue after the notice period,
281 which charges may then be assessed against the driver of the
282 vehicle if the vehicle was lawfully impounded or immobilized.

283 (e) Except as provided in paragraph (d), the vehicle shall
284 remain impounded or immobilized for any period imposed by the
285 court until:

286 1. The owner presents proof of insurance to the arresting
287 agency; or

288 2. The owner presents proof of sale of the vehicle to the
289 arresting agency and the buyer presents proof of insurance to
290 the arresting agency.

291 If proof is not presented within 35 days after the impoundment
292 or immobilization, a lien shall be placed upon such vehicle
293 pursuant to s. 713.78.

294 (f) The owner of a vehicle that is impounded or
295 immobilized under this subsection may, within 10 days after the
296 date the owner has knowledge of the location of the vehicle,
297 file a complaint in the county in which the owner resides to
298 determine whether the vehicle was wrongfully taken or withheld.
299 Upon the filing of a complaint, the owner or lienholder may have
300 the vehicle released by posting with the court a bond or other
301 adequate security equal to the amount of the costs and fees for
302 impoundment or immobilization, including towing or storage, to
303 ensure the payment of such costs and fees if the owner or
304 lienholder does not prevail. When the vehicle owner or
305 lienholder does not prevail on a complaint that the vehicle was

306 | wrongfully taken or withheld, he or she must pay the accrued
 307 | charges for the immobilization or impoundment, including any
 308 | towing and storage charges assessed against the vehicle. When
 309 | the bond is posted and the fee is paid as set forth in s. 28.24,
 310 | the clerk of the court shall issue a certificate releasing the
 311 | vehicle. At the time of release, after reasonable inspection,
 312 | the owner must give a receipt to the towing or storage company
 313 | indicating any loss or damage to the vehicle or to the contents
 314 | of the vehicle.

315 | (12)~~(9)~~(a) A motor vehicle that is driven by a person
 316 | under the influence of alcohol or drugs in violation of s.
 317 | 316.193 is subject to seizure and forfeiture under ss. 932.701-
 318 | 932.706 and is subject to liens for recovering, towing, or
 319 | storing vehicles under s. 713.78 if, at the time of the offense,
 320 | the person's driver ~~driver's~~ license is suspended, revoked, or
 321 | canceled as a result of a prior conviction for driving under the
 322 | influence.

323 | (b) The law enforcement officer shall notify the
 324 | Department of Highway Safety and Motor Vehicles of any
 325 | impoundment or seizure for violation of paragraph (a) in
 326 | accordance with procedures established by the department.

327 | (c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when
 328 | the seizing agency obtains a final judgment granting forfeiture
 329 | of the motor vehicle under this section, 30 percent of the net
 330 | proceeds from the sale of the motor vehicle shall be retained by
 331 | the seizing law enforcement agency and 70 percent shall be
 332 | deposited in the General Revenue Fund for use by regional
 333 | workforce boards in providing transportation services for

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334 participants of the welfare transition program. In a forfeiture
335 proceeding under this section, the court may consider the extent
336 that the family of the owner has other public or private means
337 of transportation.

338 ~~(10) (a) Notwithstanding any other provision of this~~
339 ~~section, if a person does not have a prior forcible felony~~
340 ~~conviction as defined in s. 776.08, the penalties provided in~~
341 ~~paragraph (b) apply if a person's driver's license or driving~~
342 ~~privilege is canceled, suspended, or revoked for:~~

343 ~~1. Failing to pay child support as provided in s. 322.245~~
344 ~~or s. 61.13016;~~

345 ~~2. Failing to pay any other financial obligation as~~
346 ~~provided in s. 322.245 other than those specified in s.~~
347 ~~322.245(1);~~

348 ~~3. Failing to comply with a civil penalty required in s.~~
349 ~~318.15;~~

350 ~~4. Failing to maintain vehicular financial responsibility~~
351 ~~as required by chapter 324;~~

352 ~~5. Failing to comply with attendance or other requirements~~
353 ~~for minors as set forth in s. 322.091; or~~

354 ~~6. Having been designated a habitual traffic offender~~
355 ~~under s. 322.264(1)(d) as a result of suspensions of his or her~~
356 ~~driver's license or driver privilege for any underlying~~
357 ~~violation listed in subparagraphs 1.-5.~~

358 ~~(b)1. Upon a first conviction for knowingly driving while~~
359 ~~his or her license is suspended, revoked, or canceled for any of~~
360 ~~the underlying violations listed in subparagraphs (a)1.-6., a~~

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361 ~~person commits a misdemeanor of the second degree, punishable as~~
362 ~~provided in s. 775.082 or s. 775.083.~~

363 ~~2. Upon a second or subsequent conviction for the same~~
364 ~~offense of knowingly driving while his or her license is~~
365 ~~suspended, revoked, or canceled for any of the underlying~~
366 ~~violations listed in subparagraphs (a)1.-6., a person commits a~~
367 ~~misdemeanor of the first degree, punishable as provided in s.~~
368 ~~775.082 or s. 775.083.~~

369 (13)~~(11)~~(a) A person who does not hold a commercial driver
370 ~~driver's~~ license and who is cited for an offense of knowingly
371 driving while his or her license is suspended, revoked, or
372 canceled ~~for any of the underlying violations listed in~~
373 ~~paragraph (10)(a)~~ may, in lieu of payment of fine or court
374 appearance, elect to enter a plea of nolo contendere and provide
375 proof of compliance to the clerk of the court, designated
376 official, or authorized operator of a traffic violations bureau.
377 In such case, adjudication shall be withheld. However, no
378 election shall be made under this subsection if such person has
379 made an election under this subsection during the preceding 12
380 months. A person may not make more than three elections under
381 this subsection.

382 (b) If adjudication is withheld under paragraph (a), such
383 action is not a conviction.

384 Section 4. Subsection (5) of section 322.245, Florida
385 Statutes, is amended to read:

386 322.245 Suspension of license upon failure of person
387 charged with specified offense under chapter 316, chapter 320,
388 or this chapter to comply with directives ordered by traffic

389 court or upon failure to pay child support in non-IV-D cases as
 390 provided in chapter 61 or failure to pay any financial
 391 obligation in any other criminal case.—

392 (5) (a) When the department receives notice from a clerk of
 393 the court that a person licensed to operate a motor vehicle in
 394 this state under the provisions of this chapter has willfully
 395 failed to pay financial obligations for any criminal offense
 396 other than those specified in subsection (1), in full or in part
 397 under a payment plan pursuant to s. 28.246(4) after a finding by
 398 the court that the person has the ability to pay, the department
 399 shall suspend the license of the person named in the notice.

400 (b) The department must reinstate the driving privilege
 401 when the clerk of the court provides an affidavit to the
 402 department stating that:

403 1. The person has satisfied the financial obligation in
 404 full or made all of the payments currently due under a payment
 405 plan;

406 2. The person has entered into a written agreement for
 407 payment of the financial obligation if not presently enrolled in
 408 a payment plan; or

409 3. The ~~A~~ court has entered an order granting relief to the
 410 person ordering the reinstatement of the license.

411 (c) The department shall not be held liable for any
 412 license suspension resulting from the discharge of its duties
 413 under this section.

414 Section 5. Paragraph (e) of subsection (3) of section
 415 921.0022, Florida Statutes, is amended to read:

416 921.0022 Criminal Punishment Code; offense severity

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417 ranking chart.—

418 (3) OFFENSE SEVERITY RANKING CHART

419 (e) LEVEL 5

420

Florida	Felony	
Statute	Degree	Description

421

316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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422

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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423

322.34 <u>(9)</u> (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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424

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
------------	-----	--

425

379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
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426

379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap
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contents or trap gear by
another harvester.

427 381.0041 (11) (b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

428 440.10 (1) (g) 2nd Failure to obtain workers'
compensation coverage.

429 440.105 (5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

430 440.381 (2) 2nd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

431 624.401 (4) (b) 2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

432 626.902 (1) (c) 2nd Representing an unauthorized
insurer; repeat offender.

433 790.01 (2) 3rd Carrying a concealed firearm.

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434	790.162	2nd	Threat to throw or discharge destructive device.
435	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
436	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
437	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
438	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
439	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
440	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
441	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more

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but less than \$50,000.

442

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

443

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

444

812.131 (2) (b) 3rd Robbery by sudden snatching.

445

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

446

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

447

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

448

817.2341 (1), 3rd Filing false financial
(2) (a) & statements, making false
(3) (a) entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

449

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450	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
451	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
452	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
453	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes

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454			sexual conduct by a child.
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
455			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
456			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
457			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
458			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
459			
	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
460			

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461 893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

462 893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

463 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug

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prohibited under s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) within
 1,000 feet of property used for
 religious services or a
 specified business site.

464

893.13(1)(f)1. 1st Sell, manufacture, or deliver
 cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d),
 or (2)(a), (2)(b), or (2)(c)4.
 drugs) within 1,000 feet of
 public housing facility.

465

893.13(4)(b) 2nd Deliver to minor cannabis (or
 other s. 893.03(1)(c),
 (2)(c)1., (2)(c)2., (2)(c)3.,
 (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4)
 drugs).

466

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

467

468 Section 6. Paragraph (a) of subsection (2) of section

469 932.701, Florida Statutes, is amended to read:

470 932.701 Short title; definitions.—

471 (2) As used in the Florida Contraband Forfeiture Act:

472 (a) "Contraband article" means:

473 1. Any controlled substance as defined in chapter 893 or
 474 any substance, device, paraphernalia, or currency or other means
 475 of exchange that was used, was attempted to be used, or was
 476 intended to be used in violation of any provision of chapter
 477 893, if the totality of the facts presented by the state is
 478 clearly sufficient to meet the state's burden of establishing
 479 probable cause to believe that a nexus exists between the
 480 article seized and the narcotics activity, whether or not the
 481 use of the contraband article can be traced to a specific
 482 narcotics transaction.

483 2. Any gambling paraphernalia, lottery tickets, money,
 484 currency, or other means of exchange which was used, was
 485 attempted, or intended to be used in violation of the gambling
 486 laws of the state.

487 3. Any equipment, liquid or solid, which was being used,
 488 is being used, was attempted to be used, or intended to be used
 489 in violation of the beverage or tobacco laws of the state.

490 4. Any motor fuel upon which the motor fuel tax has not
 491 been paid as required by law.

492 5. Any personal property, including, but not limited to,
 493 any vessel, aircraft, item, object, tool, substance, device,
 494 weapon, machine, vehicle of any kind, money, securities, books,
 495 records, research, negotiable instruments, or currency, which
 496 was used or was attempted to be used as an instrumentality in

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497 the commission of, or in aiding or abetting in the commission
498 of, any felony, whether or not comprising an element of the
499 felony, or which is acquired by proceeds obtained as a result of
500 a violation of the Florida Contraband Forfeiture Act.

501 6. Any real property, including any right, title,
502 leasehold, or other interest in the whole of any lot or tract of
503 land, which was used, is being used, or was attempted to be used
504 as an instrumentality in the commission of, or in aiding or
505 abetting in the commission of, any felony, or which is acquired
506 by proceeds obtained as a result of a violation of the Florida
507 Contraband Forfeiture Act.

508 7. Any personal property, including, but not limited to,
509 equipment, money, securities, books, records, research,
510 negotiable instruments, currency, or any vessel, aircraft, item,
511 object, tool, substance, device, weapon, machine, or vehicle of
512 any kind in the possession of or belonging to any person who
513 takes aquaculture products in violation of s. 812.014(2)(c).

514 8. Any motor vehicle offered for sale in violation of s.
515 320.28.

516 9. Any motor vehicle used during the course of committing
517 an offense in violation of s. 322.34(12)(a) ~~322.34(9)(a)~~.

518 10. Any photograph, film, or other recorded image,
519 including an image recorded on videotape, a compact disc,
520 digital tape, or fixed disk, that is recorded in violation of s.
521 810.145 and is possessed for the purpose of amusement,
522 entertainment, sexual arousal, gratification, or profit, or for
523 the purpose of degrading or abusing another person.

524 11. Any real property, including any right, title,

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525 | leasehold, or other interest in the whole of any lot or tract of
526 | land, which is acquired by proceeds obtained as a result of
527 | Medicaid fraud under s. 409.920 or s. 409.9201; any personal
528 | property, including, but not limited to, equipment, money,
529 | securities, books, records, research, negotiable instruments, or
530 | currency; or any vessel, aircraft, item, object, tool,
531 | substance, device, weapon, machine, or vehicle of any kind in
532 | the possession of or belonging to any person which is acquired
533 | by proceeds obtained as a result of Medicaid fraud under s.
534 | 409.920 or s. 409.9201.

535 | 12. Any personal property, including, but not limited to,
536 | any vehicle, item, object, tool, device, weapon, machine, money,
537 | security, book, or record, that is used or attempted to be used
538 | as an instrumentality in the commission of, or in aiding and
539 | abetting in the commission of, a person's third or subsequent
540 | violation of s. 509.144, whether or not comprising an element of
541 | the offense.

542 | Section 7. This act shall take effect July 1, 2013.