

By Senator Braynon

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

28 (8) (a) A ~~Any~~ person who fails to comply with the court's  
29 requirements or who fails to pay the civil penalties specified

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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.

39 (b) The department shall contract with the Florida  
40 Association of Court Clerks, Inc., to design, establish,  
41 operate, upgrade, and maintain an automated statewide Uniform  
42 Traffic Citation Accounting System to be operated by the clerks  
43 of the court which must ~~shall~~ include, but not be limited to,  
44 the accounting for traffic infractions by type, a record of the  
45 disposition of the citations, and an accounting system for the  
46 fines assessed and the subsequent fine amounts paid to the  
47 clerks of the court. ~~On or before December 1, 2001,~~ The clerks  
48 of the court must provide the information required by this  
49 chapter to be transmitted to the department by electronic  
50 transmission pursuant to the contract.

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

57 (d) If a person has been ordered to pay a criminal penalty,  
58 including court costs, fines, or fees associated with a criminal

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

71 (e)~~b.~~ If a court orders a person to perform community  
72 service, the person shall receive credit for the civil or  
73 criminal penalty at the specified hourly credit rate per hour of  
74 community service performed, and each hour of community service  
75 performed reduces ~~shall reduce~~ the civil or criminal penalty by  
76 that amount.

77 1.2.a. As used in this paragraph, the term "specified  
78 hourly credit rate" means the wage rate that is specified in 29  
79 U.S.C. s. 206(a)(1) under the federal Fair Labor Standards Act  
80 of 1938, that is then in effect, and that an employer subject to  
81 such provision must pay per hour to each employee subject to  
82 such provision.

83 2.b. ~~However,~~ If a person ordered to perform community  
84 service has a trade or profession for which there is a community  
85 service need, the specified hourly credit rate for each hour of  
86 community service performed by that person is ~~shall be~~ the  
87 average prevailing wage rate for the trade or profession that

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88 the community service agency needs.

89 3.~~a~~. The community service agency supervising the person  
90 shall record the number of hours of community service completed  
91 and the date the community service hours were completed.

92 a. The community service agency shall submit the data to  
93 the clerk of the court on the letterhead of the community  
94 service agency, which must also bear the notarized signature of  
95 the person designated to represent the community service agency.

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

101 4. As used in this subsection ~~paragraph~~, the term:

102 a. "Community service" means uncompensated labor for a  
103 community service agency.

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

112 (f) ~~(e)~~ If the noncriminal infraction has caused or resulted  
113 in the death of another, the person who committed the infraction  
114 may perform 120 community service hours under s. 316.027(4), in  
115 addition to any other penalties.

116 Section 3. Section 322.34, Florida Statutes, is amended to

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117 read:

118 322.34 Driving while license suspended, revoked, canceled,  
119 or disqualified.—

120 (1) Except as provided in subsection (2), a any person  
121 whose driver ~~driver's~~ license or driving privilege has been  
122 canceled or suspended, ~~or revoked, except a "habitual traffic~~  
123 ~~offender"~~ as defined in s. 322.264, who drives a motor vehicle  
124 on ~~upon~~ the highways of this state while such license or  
125 privilege is canceled or suspended commits, ~~or revoked is~~  
126 ~~guilty of~~ a moving violation, punishable as provided in chapter  
127 318.

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

133 1. A first conviction, commits a misdemeanor of the second  
134 degree, punishable as provided in s. 775.082 or s. 775.083.

135 2. A second or subsequent conviction, commits a misdemeanor  
136 of the first degree, punishable as provided in s. 775.082 or s.  
137 775.083.

138 (b) A Any person whose driver ~~driver's~~ license or driving  
139 privilege has been suspended under s. 322.2615 or canceled,  
140 ~~suspended, or~~ revoked as provided by law, except persons defined  
141 as habitual traffic offenders in s. 322.264, who, knowing of  
142 such ~~cancellation,~~ suspension, or revocation, drives a any motor  
143 vehicle on ~~upon~~ the highways of this state while such license or  
144 privilege is ~~canceled,~~ suspended, or revoked, upon:

145 1.(a) A first conviction, commits is guilty of a

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146 misdemeanor of the second degree, punishable as provided in s.  
147 775.082 or s. 775.083.

148 ~~2.(b)~~ 2. A second conviction, ~~commits is guilty of~~ a  
149 misdemeanor of the first degree, punishable as provided in s.  
150 775.082 or s. 775.083.

151 ~~3.(e)~~ 3. A third or subsequent conviction, ~~commits is guilty~~  
152 ~~of~~ a felony of the third degree, punishable as provided in s.  
153 775.082, s. 775.083, or s. 775.084.

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

159 (a) A first conviction, commits a misdemeanor of the second  
160 degree, punishable as provided in s. 775.082 or s. 775.083.

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

163 (c) A third or subsequent conviction, commits:

164 1. A misdemeanor of the first degree, punishable as  
165 provided in s. 775.082 or s. 775.083, if the person's  
166 designation as a habitual traffic offender is based only on the  
167 offenses of driving while a license is suspended or canceled  
168 under subsection (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) A person whose driver license or driving privilege has

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

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

189 (6) The element of knowledge is satisfied if the person has  
190 been previously cited as provided in subsections (2)-(4)  
191 ~~subsection (1); or~~ the person admits to knowledge of the  
192 cancellation, suspension, or revocation; or the person received  
193 notice as provided in subsection (8) ~~(4)~~. There is ~~shall be~~ a  
194 rebuttable presumption that the knowledge requirement is  
195 satisfied if a judgment or order as provided in subsection (8)  
196 ~~(4)~~ appears in the department's records for any case except for  
197 one involving a suspension by the department for failure to pay  
198 a traffic fine or for a financial responsibility violation.

199 (7)~~(3)~~ In any proceeding for a violation of this section, a  
200 court may consider evidence, other than that specified in  
201 subsection (2) or subsection (6), that the person knowingly  
202 violated this section.

203 (8)~~(4)~~ Any judgment or order rendered by a court or

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204 adjudicatory body or any uniform traffic citation that cancels,  
205 suspends, or revokes a person's driver ~~driver's~~ license must  
206 contain a provision notifying the person that his or her driver  
207 ~~driver's~~ license has been canceled, suspended, or revoked.

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

213 (9)(6) A Any person commits a felony of the third degree,  
214 punishable as provided in s. 775.082 or s. 775.083, if he or she  
215 ~~who~~ operates a motor vehicle:

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

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

225 (10)(7) A Any person whose driver ~~driver's~~ license or  
226 driving privilege has been canceled, suspended, revoked, or  
227 disqualified and who drives a commercial motor vehicle on the  
228 highways of this state while such license or privilege is  
229 canceled, suspended, revoked, or disqualified, upon:

230 (a) A first conviction, commits ~~is guilty of~~ a misdemeanor  
231 of the first degree, punishable as provided in s. 775.082 or s.  
232 775.083.



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233 (b) A second or subsequent conviction, commits ~~is guilty of~~  
234 a felony of the third degree, punishable as provided in s.  
235 775.082, s. 775.083, or s. 775.084.

236 ~~(11)-(8)~~(a) Upon the arrest of a person for the offense of  
237 driving while the person's driver ~~driver's~~ license or driving  
238 privilege is suspended or revoked, the arresting officer shall  
239 determine:

240 1. Whether the person's driver ~~driver's~~ license is  
241 suspended or revoked.

242 2. Whether the person's driver ~~driver's~~ license has  
243 remained suspended or revoked since a conviction for the offense  
244 of driving with a suspended or revoked license.

245 3. Whether the suspension or revocation was made under s.  
246 316.646 or s. 627.733, relating to failure to maintain required  
247 security, or under s. 322.264, relating to habitual traffic  
248 offenders.

249 4. Whether the driver is the registered owner or coowner of  
250 the vehicle.

251 (b) If the arresting officer finds in the affirmative as to  
252 all ~~of~~ the criteria in paragraph (a), the officer shall  
253 immediately impound or immobilize the vehicle.

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

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262 or, if the vehicle is leased, by the person leasing the vehicle.

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

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

290 1. The owner presents proof of insurance to the arresting

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291 agency; or

292 2. The owner presents proof of sale of the vehicle to the  
293 arresting agency and the buyer presents proof of insurance to  
294 the arresting agency.

295

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

299 (f) The owner of a vehicle that is impounded or immobilized  
300 under this subsection may, within 10 days after the date the  
301 owner has knowledge of the location of the vehicle, file a  
302 complaint in the county in which the owner resides to determine  
303 whether the vehicle was wrongfully taken or withheld. Upon the  
304 filing of a complaint, the owner or lienholder may have the  
305 vehicle released by posting with the court a bond or other  
306 adequate security equal to the amount of the costs and fees for  
307 impoundment or immobilization, including towing or storage, to  
308 ensure the payment of such costs and fees if the owner or  
309 lienholder does not prevail. When the vehicle owner or  
310 lienholder does not prevail on a complaint that the vehicle was  
311 wrongfully taken or withheld, he or she must pay the accrued  
312 charges for the immobilization or impoundment, including any  
313 towing and storage charges assessed against the vehicle. When  
314 the bond is posted and the fee is paid as set forth in s. 28.24,  
315 the clerk of the court shall issue a certificate releasing the  
316 vehicle. At the time of release, after reasonable inspection,  
317 the owner must give a receipt to the towing or storage company  
318 indicating any loss or damage to the vehicle or to the contents  
319 of the vehicle.

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

327        (b) The law enforcement officer shall notify the department  
328 ~~of Highway Safety and Motor Vehicles~~ of any impoundment or  
329 seizure for violation of paragraph (a) in accordance with  
330 procedures established by the department.

331        (c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, if  
332 ~~when~~ the seizing agency obtains a final judgment granting  
333 forfeiture of the motor vehicle under this section, 30 percent  
334 of the net proceeds from the sale of the motor vehicle shall be  
335 retained by the seizing law enforcement agency and 70 percent  
336 shall be deposited in the General Revenue Fund for use by  
337 regional workforce boards in providing transportation services  
338 for participants of the welfare transition program. In a  
339 forfeiture proceeding under this section, the court may consider  
340 the extent that the family of the owner has other public or  
341 private means of transportation.

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

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

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349 ~~2. Failing to pay any other financial obligation as~~  
 350 ~~provided in s. 322.245 other than those specified in s.~~  
 351 ~~322.245(1);~~

352 ~~3. Failing to comply with a civil penalty required in s.~~  
 353 ~~318.15;~~

354 ~~4. Failing to maintain vehicular financial responsibility~~  
 355 ~~as required by chapter 324;~~

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

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

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

367 ~~2. Upon a second or subsequent conviction for the same~~  
 368 ~~offense of knowingly driving while his or her license is~~  
 369 ~~suspended, revoked, or canceled for any of the underlying~~  
 370 ~~violations listed in subparagraphs (a)1.-6., a person commits a~~  
 371 ~~misdemeanor of the first degree, punishable as provided in s.~~  
 372 ~~775.082 or s. 775.083.~~

373 ~~(13)(11)(a)~~ A person who does not hold a commercial driver  
 374 driver's license and who is cited for an offense of knowingly  
 375 driving while his or her license is suspended, revoked, or  
 376 canceled ~~for any of the underlying violations listed in~~  
 377 ~~paragraph (10)(a)~~ may, in lieu of payment of fine or court

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378 appearance, elect to enter a plea of nolo contendere and provide  
379 proof of compliance to the clerk of the court, designated  
380 official, or authorized operator of a traffic violations bureau.  
381 In such case, adjudication shall be withheld, and such action is  
382 not a conviction. However, an ~~no~~ election may not ~~shall~~ be made  
383 under this subsection if such person has made an election under  
384 this subsection during the preceding 12 months. A person may not  
385 make more than three elections under this subsection.

386 ~~(b) If adjudication is withheld under paragraph (a), such~~  
387 ~~action is not a conviction.~~

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

390 322.245 Suspension of license upon failure of person  
391 charged with specified offense under chapter 316, chapter 320,  
392 or this chapter to comply with directives ordered by traffic  
393 court or upon failure to pay child support in non-IV-D cases as  
394 provided in chapter 61 or failure to pay any financial  
395 obligation in any other criminal case.—

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

404 (b) The department must reinstate the driving privilege if  
405 ~~when~~ the clerk of the court provides an affidavit to the  
406 department stating that:

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407 1. The person has satisfied the financial obligation in  
 408 full or made all of the payments currently due under a payment  
 409 plan;

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

413 3. The A court has entered an order granting relief to the  
 414 person ordering the reinstatement of the license.

415 (c) The department may ~~shall~~ not be held liable for any  
 416 license suspension resulting from the discharge of its duties  
 417 under this section.

418 Section 5. Paragraph (e) of subsection (3) of section  
 419 921.0022, Florida Statutes, is amended to read:

420 921.0022 Criminal Punishment Code; offense severity ranking  
 421 chart.—

422 (3) OFFENSE SEVERITY RANKING CHART

423 (e) LEVEL 5

Florida	Felony	Description
Statute	Degree	
316.027(1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
<u>322.34(9)</u>	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
<del>322.34(6)</del>		

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428	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
429	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
430	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
431	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
432	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
433	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
434	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium



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collected \$20,000 or more but less than \$100,000.

435

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

436

790.01 (2) 3rd Carrying a concealed firearm.

437

790.162 2nd Threat to throw or discharge destructive device.

438

790.163 (1) 2nd False report of deadly explosive or weapon of mass destruction.

439

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

440

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

441

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years.

442

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years or older.

443

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any

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structure or property.

444

812.0145(2)(b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

445

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

446

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

447

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

448

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

449

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

450

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

451

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

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insuring entity.

452

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.

453

817.625 (2) (b)            2nd    Second or subsequent fraudulent use of scanning device or reencoder.

454

825.1025 (4)              3rd    Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

455

827.071 (4)                2nd    Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

456

827.071 (5)                3rd    Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

457

839.13 (2) (b)            2nd    Falsifying records of an individual in the care and custody of a state agency

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involving great bodily harm or death.

458

843.01                    3rd    Resist officer with violence to  
person; resist arrest with violence.

459

847.0135 (5) (b)        2nd    Lewd or lascivious exhibition using  
computer; offender 18 years or older.

460

847.0137                3rd    Transmission of pornography by  
(2) & (3)                electronic device or equipment.

461

847.0138                3rd    Transmission of material harmful to  
(2) & (3)                minors to a minor by electronic device  
or equipment.

462

874.05 (1) (b)         2nd    Encouraging or recruiting another to  
join a criminal gang; second or  
subsequent offense.

463

874.05 (2) (a)         2nd    Encouraging or recruiting person under  
13 to join a criminal gang.

464

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).

465

893.13 (1) (c) 2.       2nd    Sell, manufacture, or deliver cannabis  
(or other s. 893.03 (1) (c), (2) (c) 1.,

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(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.

466

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.

467

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

468

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.

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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).

470

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

471

472            Section 6. Paragraph (a) of subsection (2) of section  
473 932.701, Florida Statutes, is amended to read:

474            932.701 Short title; definitions.—

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

476            (a) "Contraband article" means:

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

487            2. Any gambling paraphernalia, lottery tickets, money,  
488 currency, or other means of exchange which was used, was  
489 attempted, or intended to be used in violation of the gambling  
490 laws of the state.

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

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

496           5. Any personal property, including, but not limited to,  
497 any vessel, aircraft, item, object, tool, substance, device,  
498 weapon, machine, vehicle of any kind, money, securities, books,  
499 records, research, negotiable instruments, or currency, which  
500 was used or was attempted to be used as an instrumentality in  
501 the commission of, or in aiding or abetting in the commission  
502 of, any felony, whether or not comprising an element of the  
503 felony, or which is acquired by proceeds obtained as a result of  
504 a violation of the Florida Contraband Forfeiture Act.

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

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

518           8. Any motor vehicle offered for sale in violation of s.  
519 320.28.

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

522 10. Any photograph, film, or other recorded image,  
523 including an image recorded on videotape, a compact disc,  
524 digital tape, or fixed disk, that is recorded in violation of s.  
525 810.145 and is possessed for the purpose of amusement,  
526 entertainment, sexual arousal, gratification, or profit, or for  
527 the purpose of degrading or abusing another person.

528 11. Any real property, including any right, title,  
529 leasehold, or other interest in the whole of any lot or tract of  
530 land, which is acquired by proceeds obtained as a result of  
531 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
532 property, including, but not limited to, equipment, money,  
533 securities, books, records, research, negotiable instruments, or  
534 currency; or any vessel, aircraft, item, object, tool,  
535 substance, device, weapon, machine, or vehicle of any kind in  
536 the possession of or belonging to any person which is acquired  
537 by proceeds obtained as a result of Medicaid fraud under s.  
538 409.920 or s. 409.9201.

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

546 Section 7. This act shall take effect July 1, 2014.