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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to criminal offenses; amending s. 212.15, F.S.; revising threshold amounts for failure to remit taxes offenses; amending s. 812.014, F.S.; revising threshold amounts for theft offenses; amending s. 812.015, F.S.; revising threshold amounts for retail theft; amending s. 812.0195, F.S.; revising threshold amounts for dealing in stolen property by use of the Internet offenses; amending ss. 832.04 and 832.041, F.S.; revising threshold amounts for stopping payment offenses; amending s. 832.05, F.S.; revising threshold amounts for offenses involving giving worthless checks, drafts, and debit card orders; amending s. 832.062, F.S.; revising threshold amounts for offenses involving payments to the Department of Revenue; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; reenacting ss. 634.319, 634.421, 636.238(3), 642.038(2), 705.102(4), 812.0155(1), 985.11(1)(b), and 985.557(1)(a), F.S., relating to reporting and accounting for funds by insurance sales representatives, reporting and accounting for funds by insurance sales representatives or agents, penalties for certain violations involving discount medical plans, reporting and accounting for funds, reporting lost or abandoned property, suspension of a driver license following an adjudication of guilt for theft, fingerprinting and



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28 photographing of juveniles, and direct filing of an
29 information against a juvenile, respectively, to
30 incorporate the amendments made by the act in cross-
31 references to amended provisions; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Paragraphs (a) and (b) of subsection (2) of
37 section 212.15, Florida Statutes, are amended to read:

38 212.15 Taxes declared state funds; penalties for failure to
39 remit taxes; due and delinquent dates; judicial review.—

40 (2) Any person who, with intent to unlawfully deprive or
41 defraud the state of its moneys or the use or benefit thereof,
42 fails to remit taxes collected under this chapter commits is
43 ~~guilty of~~ theft of state funds, punishable as follows:

44 (a) If the total amount of stolen revenue is less than
45 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,
46 punishable as provided in s. 775.082 or s. 775.083. Upon a
47 second conviction, the offender commits is ~~guilty of~~ a
48 misdemeanor of the first degree, punishable as provided in s.
49 775.082 or s. 775.083. Upon a third or subsequent conviction,
50 the offender commits is ~~guilty of~~ a felony of the third degree,
51 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

52 (b) If the total amount of stolen revenue is \$1,000 ~~\$300~~ or
53 more, but less than \$20,000, the offense is a felony of the
54 third degree, punishable as provided in s. 775.082, s. 775.083,
55 or s. 775.084.

56 Section 2. Subsection (2) of section 812.014, Florida



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57 Statutes, is amended to read:

58 812.014 Theft.—

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

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

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

67 a. In the course of committing the offense the offender
68 uses a motor vehicle as an instrumentality, other than merely as
69 a getaway vehicle, to assist in committing the offense and
70 thereby damages the real property of another; or

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

74
75 the offender commits grand theft in the first degree, punishable
76 as a felony of the first degree, as provided in s. 775.082, s.
77 775.083, or s. 775.084.

78 (b)1. If the property stolen is valued at \$20,000 or more,
79 but less than \$100,000;

80 2. The property stolen is cargo valued at less than \$50,000
81 that has entered the stream of interstate or intrastate commerce
82 from the shipper's loading platform to the consignee's receiving
83 dock;

84 3. The property stolen is emergency medical equipment,
85 valued at \$1,000 ~~\$300~~ or more, that is taken from a facility



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86 licensed under chapter 395 or from an aircraft or vehicle
87 permitted under chapter 401; or

88 4. The property stolen is law enforcement equipment, valued
89 at \$1,000 ~~\$300~~ or more, that is taken from an authorized
90 emergency vehicle, as defined in s. 316.003,

91
92 the offender commits grand theft in the second degree,
93 punishable as a felony of the second degree, as provided in s.
94 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
95 means mechanical or electronic apparatus used to provide
96 emergency services and care as defined in s. 395.002(9) or to
97 treat medical emergencies. Law enforcement equipment means any
98 property, device, or apparatus used by any law enforcement
99 officer as defined in s. 943.10 in the officer's official
100 business. However, if the property is stolen within a county
101 that is subject to a state of emergency declared by the Governor
102 under chapter 252, the theft is committed after the declaration
103 of emergency is made, and the perpetration of the theft is
104 facilitated by conditions arising from the emergency, the theft
105 is a felony of the first degree, punishable as provided in s.
106 775.082, s. 775.083, or s. 775.084. As used in this paragraph,
107 the term "conditions arising from the emergency" means civil
108 unrest, power outages, curfews, voluntary or mandatory
109 evacuations, or a reduction in the presence of or response time
110 for first responders or homeland security personnel. For
111 purposes of sentencing under chapter 921, a felony offense that
112 is reclassified under this paragraph is ranked one level above
113 the ranking under s. 921.0022 or s. 921.0023 of the offense
114 committed.



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115 (c) It is grand theft of the third degree and a felony of
116 the third degree, punishable as provided in s. 775.082, s.
117 775.083, or s. 775.084, if the property stolen is:

118 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.

119 2. Valued at \$5,000 or more, but less than \$10,000.

120 3. Valued at \$10,000 or more, but less than \$20,000.

121 4. A will, codicil, or other testamentary instrument.

122 5. A firearm.

123 6. A motor vehicle, except as provided in paragraph (a).

124 7. Any commercially farmed animal, including any animal of
125 the equine, bovine, or swine class or other grazing animal; a
126 bee colony of a registered beekeeper; and aquaculture species
127 raised at a certified aquaculture facility. If the property
128 stolen is aquaculture species raised at a certified aquaculture
129 facility, then a \$10,000 fine shall be imposed.

130 8. Any fire extinguisher.

131 9. Any amount of citrus fruit consisting of 2,000 or more
132 individual pieces of fruit.

133 10. Taken from a designated construction site identified by
134 the posting of a sign as provided for in s. 810.09(2)(d).

135 11. Any stop sign.

136 12. Anhydrous ammonia.

137 13. Any amount of a controlled substance as defined in s.
138 893.02. Notwithstanding any other law, separate judgments and
139 sentences for theft of a controlled substance under this
140 subparagraph and for any applicable possession of controlled
141 substance offense under s. 893.13 or trafficking in controlled
142 substance offense under s. 893.135 may be imposed when all such
143 offenses involve the same amount or amounts of a controlled



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144 substance.

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146 However, if the property is stolen within a county that is
147 subject to a state of emergency declared by the Governor under
148 chapter 252, the property is stolen after the declaration of
149 emergency is made, and the perpetration of the theft is
150 facilitated by conditions arising from the emergency, the
151 offender commits a felony of the second degree, punishable as
152 provided in s. 775.082, s. 775.083, or s. 775.084, if the
153 property is valued at \$5,000 or more, but less than \$10,000, as
154 provided under subparagraph 2., or if the property is valued at
155 \$10,000 or more, but less than \$20,000, as provided under
156 subparagraph 3. As used in this paragraph, the term "conditions
157 arising from the emergency" means civil unrest, power outages,
158 curfews, voluntary or mandatory evacuations, or a reduction in
159 the presence of or the response time for first responders or
160 homeland security personnel. For purposes of sentencing under
161 chapter 921, a felony offense that is reclassified under this
162 paragraph is ranked one level above the ranking under s.
163 921.0022 or s. 921.0023 of the offense committed.

164 (d) It is grand theft of the third degree and a felony of
165 the third degree, punishable as provided in s. 775.082, s.
166 775.083, or s. 775.084, if the property stolen is valued at \$300
167 ~~\$100~~ or more, but less than \$1,000 ~~\$300~~, and is taken from a
168 dwelling as defined in s. 810.011(2) or from the unenclosed
169 curtilage of a dwelling pursuant to s. 810.09(1).

170 (e) Except as provided in paragraph (d), if the property
171 stolen is valued at \$300 ~~\$100~~ or more, but less than \$1,000
172 ~~\$300~~, the offender commits petit theft of the first degree,



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173 punishable as a misdemeanor of the first degree, as provided in
174 s. 775.082 or s. 775.083.

175 Section 3. Subsection (8) of section 812.015, Florida
176 Statutes, is amended to read:

177 812.015 Retail and farm theft; transit fare evasion;
178 mandatory fine; alternative punishment; detention and arrest;
179 exemption from liability for false arrest; resisting arrest;
180 penalties.—

181 (8) Except as provided in subsection (9), a person who
182 commits retail theft commits a felony of the third degree,
183 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
184 if the property stolen is valued at \$400 ~~300~~ or more, and the
185 person:

186 (a) Individually, or in concert with one or more other
187 persons, coordinates the activities of one or more individuals
188 in committing the offense, in which case the amount of each
189 individual theft is aggregated to determine the value of the
190 property stolen;

191 (b) Commits theft from more than one location within a 48-
192 hour period, in which case the amount of each individual theft
193 is aggregated to determine the value of the property stolen;

194 (c) Acts in concert with one or more other individuals
195 within one or more establishments to distract the merchant,
196 merchant's employee, or law enforcement officer in order to
197 carry out the offense, or acts in other ways to coordinate
198 efforts to carry out the offense; or

199 (d) Commits the offense through the purchase of merchandise
200 in a package or box that contains merchandise other than, or in
201 addition to, the merchandise purported to be contained in the



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202 package or box.

203 Section 4. Section 812.0195, Florida Statutes, is amended
204 to read:

205 812.0195 Dealing in stolen property by use of the
206 Internet.—Any person in this state who uses the Internet to sell
207 or offer for sale any merchandise or other property that the
208 person knows, or has reasonable cause to believe, is stolen
209 commits:

210 (1) A misdemeanor of the second degree, punishable as
211 provided in s. 775.082 or s. 775.083, if the value of the
212 property is less than \$500 ~~\$300~~; or

213 (2) A felony of the third degree, punishable as provided in
214 s. 775.082, s. 775.083, or s. 775.084, if the value of the
215 property is \$500 ~~\$300~~ or more.

216 Section 5. Subsection (1) of section 832.04, Florida
217 Statutes, is amended to read:

218 832.04 Stopping payment; purchase of farm or grove
219 products.—

220 (1) Whoever, with intent to defraud any producer of farm or
221 grove products or product of such products or product shall, in
222 person or by agent, make, draw, utter, deliver, or give to such
223 producer any check, draft, or written order for the payment of
224 money upon any bank, person, or corporation and secure from such
225 producer such products or product for or on account of such
226 check, draft, or written order, whether such products or product
227 are valued at the amount of such check, draft, or written order
228 or at a greater or lesser value, and who shall, pursuant to and
229 in furtherance of such intent to defraud, stop payment on such
230 check, draft, or written order, commits ~~shall be deemed to be~~



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231 ~~guilty of~~ a misdemeanor of the first degree, punishable as
232 provided in s. 775.082 or s. 775.083, if the value of the
233 products or product secured for or on account of such check,
234 draft, or written order is \$500 ~~\$150~~ or more; and if the value
235 of the products or product secured for or on account of such
236 check, draft, or written order is less than \$500 ~~\$150~~, he or she
237 commits ~~shall be guilty of~~ a misdemeanor of the second degree,
238 punishable as provided in s. 775.082 or s. 775.083.

239 Section 6. Subsection (1) of section 832.041, Florida
240 Statutes, is amended to read:

241 832.041 Stopping payment with intent to defraud.-

242 (1) Whoever, with intent to defraud any person shall, in
243 person or by agent, make, draw, utter, deliver, or give any
244 check, draft, or written order for the payment of money upon any
245 bank, person, or corporation and secure from such person goods
246 or services for or on account of such check, draft, or written
247 order, whether such goods or services are valued at the amount
248 of such check, draft, or written order or at a greater or lesser
249 value, and who shall, pursuant to and in furtherance of such
250 intent to defraud, stop payment on such check, draft, or written
251 order, commits ~~shall be deemed to be guilty of~~ a felony of the
252 third degree, punishable as provided in s. 775.082, s. 775.083,
253 or s. 775.084, if the value of the goods or services secured for
254 or on account of such check, draft, or written order is \$500
255 ~~\$150~~ or more; and if the value of the goods or services secured
256 for or on account of such check, draft, or written order is less
257 than \$500 ~~\$150~~, he or she commits ~~shall be guilty of~~ a
258 misdemeanor of the second degree, punishable as provided in s.
259 775.082 or s. 775.083.



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260 Section 7. Paragraph (b) of subsection (2) and paragraph
261 (c) of subsection (4) of section 832.05, Florida Statutes, are
262 amended to read:

263 832.05 Giving worthless checks, drafts, and debit card
264 orders; penalty; duty of drawee; evidence; costs; complaint
265 form.—

266 (2) WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS;
267 PENALTY.—

268 (b) A violation of the provisions of this subsection
269 constitutes a misdemeanor of the first degree, punishable as
270 provided in s. 775.082 or s. 775.083, unless the check, draft,
271 debit card order, or other written order drawn, made, uttered,
272 issued, or delivered is in the amount of \$500 ~~\$150~~, or its
273 equivalent, or more and the payee or a subsequent holder thereof
274 receives something of value therefor. In that event, the
275 violation constitutes a felony of the third degree, punishable
276 as provided in s. 775.082, s. 775.083, or s. 775.084.

277 (4) OBTAINING PROPERTY OR SERVICES IN RETURN FOR WORTHLESS
278 CHECKS, DRAFTS, OR DEBIT CARD ORDERS; PENALTY.—

279 (c) A violation of the provisions of this subsection, if
280 the check, draft, other written order, or debit card order is
281 for an amount less than \$500 ~~\$150~~ or its equivalent, constitutes
282 a misdemeanor of the first degree, punishable as provided in s.
283 775.082 or s. 775.083. A violation of the provisions of this
284 subsection, if the check, draft, other written order, or debit
285 card order is in the amount of \$500 ~~\$150~~, or its equivalent, or
286 more, constitutes a felony of the third degree, punishable as
287 provided in s. 775.082, s. 775.083, or s. 775.084.

288 Section 8. Subsection (2) of section 832.062, Florida



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289 Statutes, is amended, and subsection (1) of that section is
290 republished, to read:

291 832.062 Prosecution for worthless checks, drafts, debit
292 card orders, or electronic funds transfers made to pay any tax
293 or associated amount administered by the Department of Revenue.—

294 (1) It is unlawful for any person, firm, or corporation to
295 draw, make, utter, issue, or deliver to the Department of
296 Revenue any check, draft, or other written order on any bank or
297 depository, to use a debit card, to make, send, instruct, order,
298 or initiate any electronic funds transfer, or to cause or direct
299 the making, sending, instructing, ordering, or initiating of any
300 electronic funds transfer, for the payment of any taxes,
301 penalties, interest, fees, or associated amounts administered by
302 the Department of Revenue, knowing at the time of the drawing,
303 making, uttering, issuing, or delivering such check, draft, or
304 other written order, at the time of using such debit card, at
305 the time of making, sending, instructing, ordering, or
306 initiating any electronic funds transfer, or at the time of
307 causing or directing the making, sending, instructing, ordering,
308 initiating, or executing of any electronic funds transfer, that
309 the maker, drawer, sender, or receiver thereof has not
310 sufficient funds on deposit in or credit with such bank or
311 depository with which to pay the same on presentation. This
312 section does not apply to any check or electronic funds transfer
313 when the Department of Revenue knows or has been expressly
314 notified prior to the drawing or uttering of the check or the
315 sending or initiating of the electronic funds transfer, or has
316 reason to believe, that the drawer, sender, or receiver did not
317 have on deposit or to the drawer's, sender's, or receiver's



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318 credit with the drawee or receiving bank or depository
319 sufficient funds to ensure payment as aforesaid, and this
320 section does not apply to any postdated check.

321 (2) A violation of this section constitutes a misdemeanor
322 of the second degree, punishable as provided in s. 775.082 or s.
323 775.083, unless the check, draft, debit card order, or other
324 written order drawn, made, uttered, issued, or delivered, or
325 electronic funds transfer made, sent, instructed, ordered, or
326 initiated, or caused or directed to be made, sent, instructed,
327 ordered, or initiated is in the amount of \$500 ~~\$150~~ or more. In
328 that event, the violation constitutes a felony of the third
329 degree, punishable as provided in s. 775.082, s. 775.083, or s.
330 775.084.

331 Section 9. Paragraphs (a), (b), (d), and (e) of subsection
332 (3) of section 921.0022, Florida Statutes, are amended to read:

333 921.0022 Criminal Punishment Code; offense severity ranking
334 chart.—

335 (3) OFFENSE SEVERITY RANKING CHART

336 (a) LEVEL 1

337

338

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration,

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340



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and collection.

341

212.15(2)(b) 3rd Failure to remit sales taxes,
amount greater than \$1,000 ~~\$300~~
but less than \$20,000.

342

316.1935(1) 3rd Fleeing or attempting to elude
law enforcement officer.

343

319.30(5) 3rd Sell, exchange, give away
certificate of title or
identification number plate.

344

319.35(1)(a) 3rd Tamper, adjust, change, etc.,
an odometer.

345

320.26(1)(a) 3rd Counterfeit, manufacture, or
sell registration license
plates or validation stickers.

346

322.212 3rd Possession of forged, stolen,
(1)(a)-(c) counterfeit, or unlawfully
issued driver license;
possession of simulated
identification.

347

322.212(4) 3rd Supply or aid in supplying
unauthorized driver license or
identification card.



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348	322.212 (5) (a)	3rd	False application for driver license or identification card.
349	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
350	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
351	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
352	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
353	562.27 (1)	3rd	Possess still or still apparatus.
354	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
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812.014(3)(c) 3rd Petit theft (3rd conviction);
theft of any property not
specified in subsection (2).

357

812.081(2) 3rd Unlawfully makes or causes to
be made a reproduction of a
trade secret.

358

815.04(5)(a) 3rd Offense against intellectual
property (i.e., computer
programs, data).

359

817.52(2) 3rd Hiring with intent to defraud,
motor vehicle services.

360

817.569(2) 3rd Use of public record or public
records information or
providing false information to
facilitate commission of a
felony.

361

826.01 3rd Bigamy.

362

828.122(3) 3rd Fighting or baiting animals.

831.04(1) 3rd Any erasure, alteration, etc.,
of any replacement deed, map,
plat, or other document listed
in s. 92.28.



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831.31(1)(a) 3rd Sell, deliver, or possess
counterfeit controlled
substances, all but s.
893.03(5) drugs.

364

832.041(1) 3rd Stopping payment with intent to
defraud \$500 ~~\$150~~ or more.

365

832.05(2)(b) & 3rd Knowing, making, issuing
(4)(c) worthless checks \$500 ~~\$150~~ or
more or obtaining property in
return for worthless check \$500
~~\$150~~ or more.

366

838.15(2) 3rd Commercial bribe receiving.

367

838.16 3rd Commercial bribery.

368

843.18 3rd Fleeing by boat to elude a law
enforcement officer.

369

847.011(1)(a) 3rd Sell, distribute, etc.,
obscene, lewd, etc., material
(2nd conviction).

370

849.01 3rd Keeping gambling house.

371

849.09(1)(a)-(d) 3rd Lottery; set up, promote, etc.,



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or assist therein, conduct or
 advertise drawing for prizes,
 or dispose of property or money
 by means of lottery.

372

849.23 3rd Gambling-related machines;
 "common offender" as to
 property rights.

373

849.25 (2) 3rd Engaging in bookmaking.

374

860.08 3rd Interfere with a railroad
 signal.

375

860.13 (1) (a) 3rd Operate aircraft while under
 the influence.

376

893.13 (2) (a) 2. 3rd Purchase of cannabis.

377

893.13 (6) (a) 3rd Possession of cannabis (more
 than 20 grams).

378

934.03 (1) (a) 3rd Intercepts, or procures any
 other person to intercept, any
 wire or oral communication.

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(b) LEVEL 2

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Florida Statute	Felony Degree	Description
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384

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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385

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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386

403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
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387

517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
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388

590.28 (1)	3rd	Intentional burning of lands.
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389

784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
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|-----------------|-----|---|
| 787.04(1) | 3rd | In violation of court order, take, entice, etc., minor beyond state limits. |
| 806.13(1)(b)3. | 3rd | Criminal mischief; damage \$1,000 or more to public communication or any other public service. |
| 810.061(2) | 3rd | Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary. |
| 810.09(2)(e) | 3rd | Trespassing on posted commercial horticulture property. |
| 812.014(2)(c)1. | 3rd | Grand theft, 3rd degree; <u>\$1,000</u> \$300 or more but less than \$5,000. |
| 812.014(2)(d) | 3rd | Grand theft, 3rd degree; <u>\$300</u> \$100 or more but less than <u>\$1,000</u> \$300 , taken from unenclosed curtilage of dwelling. |



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397	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
398	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
399	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
400	817.52 (3)	3rd	Failure to redeliver hired vehicle.
401	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
402	817.60 (5)	3rd	Dealing in credit cards of another.
403	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.



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826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.



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843.08 3rd False personation.

893.13 (2) (a) 2. 3rd Purchase of any 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
other than cannabis.

414

893.147 (2) 3rd Manufacture or delivery of drug
paraphernalia.

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417 (d) LEVEL 4

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419

Florida Statute	Felony Degree	Description
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420

316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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421

499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or
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transaction statements.

422

499.0051(5) 2nd Knowing sale or delivery, or
possession with intent to sell,
contraband prescription drugs.

423

517.07(1) 3rd Failure to register securities.

424

517.12(1) 3rd Failure of dealer, associated
person, or issuer of securities
to register.

425

784.07(2)(b) 3rd Battery of law enforcement
officer, firefighter, etc.

426

784.074(1)(c) 3rd Battery of sexually violent
predators facility staff.

427

784.075 3rd Battery on detention or
commitment facility staff.

428

784.078 3rd Battery of facility employee by
throwing, tossing, or expelling
certain fluids or materials.

429

784.08(2)(c) 3rd Battery on a person 65 years of
age or older.

430

784.081(3) 3rd Battery on specified official



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or employee.

431

784.082(3) 3rd Battery by detained person on
visitor or other detainee.

432

784.083(3) 3rd Battery on code inspector.

433

784.085 3rd Battery of child by throwing,
tossing, projecting, or
expelling certain fluids or
materials.

434

787.03(1) 3rd Interference with custody;
wrongly takes minor from
appointed guardian.

435

787.04(2) 3rd Take, entice, or remove child
beyond state limits with
criminal intent pending custody
proceedings.

436

787.04(3) 3rd Carrying child beyond state
lines with criminal intent to
avoid producing child at
custody hearing or delivering
to designated person.

437

787.07 3rd Human smuggling.

438



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439

790.115(1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

440

790.115(2)(b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

441

790.115(2)(c) 3rd Possessing firearm on school
property.

442

800.04(7)(c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

443

810.02(4)(a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault
or battery.

444

810.02(4)(b) 3rd Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no assault
or battery.

445

810.06 3rd Burglary; possession of tools.

810.08(2)(c) 3rd Trespass on property, armed
with firearm or dangerous
weapon.



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446

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000
or more but less than \$20,000.

447

812.014 3rd Grand theft, 3rd degree, a
(2) (c) 4.-10. will, firearm, motor vehicle,
livestock, etc.

448

812.0195 (2) 3rd Dealing in stolen property by
use of the Internet; property
stolen \$500 ~~\$300~~ or more.

449

817.563 (1) 3rd Sell or deliver substance other
than controlled substance
agreed upon, excluding s.
893.03(5) drugs.

450

817.568 (2) (a) 3rd Fraudulent use of personal
identification information.

451

817.625 (2) (a) 3rd Fraudulent use of scanning
device or reencoder.

452

828.125 (1) 2nd Kill, maim, or cause great
bodily harm or permanent
breeding disability to any
registered horse or cattle.

453

837.02 (1) 3rd Perjury in official



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proceedings.

454

837.021(1) 3rd Make contradictory statements
in official proceedings.

455

838.022 3rd Official misconduct.

456

839.13(2)(a) 3rd Falsifying records of an
individual in the care and
custody of a state agency.

457

839.13(2)(c) 3rd Falsifying records of the
Department of Children and
Families.

458

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

459

843.025 3rd Deprive law enforcement,
correctional, or correctional
probation officer of means of
protection or communication.

460

843.15(1)(a) 3rd Failure to appear while on bail
for felony (bond estreature or
bond jumping).

461

847.0135(5)(c) 3rd Lewd or lascivious exhibition



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using computer; offender less than 18 years.

462

874.05 (1) (a) 3rd Encouraging or recruiting another to join a criminal gang.

463

893.13 (2) (a) 1. 2nd Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).

464

914.14 (2) 3rd Witnesses accepting bribes.

465

914.22 (1) 3rd Force, threaten, etc., witness, victim, or informant.

466

914.23 (2) 3rd Retaliation against a witness, victim, or informant, no bodily injury.

467

918.12 3rd Tampering with jurors.

468

934.215 3rd Use of two-way communications device to facilitate commission of a crime.

469

470

471

(e) LEVEL 5



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472

473

Florida Statute	Felony Degree	Description
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474

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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475

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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476

316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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477

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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478

327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
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479

379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or
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supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

480

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

481

379.407 (5) (b) 3. 3rd Possession of 100 or more undersized spiny lobsters.

482

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

483

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

484

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



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485

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

486

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

487

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

488

790.01 (2) 3rd Carrying a concealed firearm.

489

790.162 2nd Threat to throw or discharge
destructive device.

490

790.163 (1) 2nd False report of bomb,
explosive, weapon of mass
destruction, or use of firearms
in violent manner.

491

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

492

790.23 2nd Felons in possession of



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firearms, ammunition, or
electronic weapons or devices.

493

796.05(1) 2nd Live on earnings of a
prostitute; 1st offense.

494

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

495

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

496

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

497

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

498

812.015(8) 3rd Retail theft; property stolen
is valued at \$500 ~~\$300~~ or more
and one or more specified acts.

499

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



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500

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

501

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

502

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

503

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

504

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

505

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
persons.



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506

817.611 (2) (a) 2nd Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

507

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

508

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

509

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

510

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

511

839.13 (2) (b) 2nd Falsifying records of an
individual in the care and
custody of a state agency
involving great bodily harm or



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death.

512

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

513

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

514

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

515

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

516

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

517

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

518

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



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(2) (a), (2) (b), or (2) (c) 4.
drugs).

519

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.

520

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.

521

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.,



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522 (2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a
specified business site.

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.

523 893.13(4)(b) 2nd Use or hire of minor; deliver
to minor other controlled
substance.

524 893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

525
526
527 Section 10. For the purpose of incorporating the amendment
528 made by this act to section 812.014, Florida Statutes, in a
529 reference thereto, section 634.319, Florida Statutes, is
530 reenacted to read:

531 634.319 Reporting and accounting for funds.—

532 (1) All funds belonging to insurers, home warranty
533 associations, or others received by a sales representative in
534 transactions under her or his license and appointment are trust



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535 funds so received by the sales representative in a fiduciary
536 capacity; and the sales representative, in the applicable
537 regular course of business, shall account for and pay such funds
538 to the insurer, association, warranty holder, or other person
539 entitled thereto.

540 (2) Any sales representative who, not being entitled
541 thereto, diverts or appropriates such funds or any portion
542 thereof to her or his own use is, upon conviction, guilty of
543 theft, punishable as provided in s. 812.014.

544 Section 11. For the purpose of incorporating the amendment
545 made by this act to section 812.014, Florida Statutes, in a
546 reference thereto, section 634.421, Florida Statutes, is
547 reenacted to read:

548 634.421 Reporting and accounting for funds.—

549 (1) All funds belonging to insurers, service warranty
550 associations, or others received by a sales representative in
551 transactions under her or his license or appointment are trust
552 funds so received by the sales representative or agent in a
553 fiduciary capacity; and the sales representative or agent, in
554 the applicable regular course of business, shall account for and
555 pay such funds to the insurer, association, warranty holder, or
556 other person entitled thereto.

557 (2) Any sales representative who, not being entitled
558 thereto, diverts or appropriates funds or any portion thereof to
559 her or his own use commits theft as provided in s. 812.014.

560 Section 12. For the purpose of incorporating the amendment
561 made by this act to section 812.014, Florida Statutes, in a
562 reference thereto, subsection (3) of section 636.238, Florida
563 Statutes, is reenacted to read:



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564 636.238 Penalties for violation of this part.—

565 (3) A person who collects fees for purported membership in
566 a discount medical plan but purposefully fails to provide the
567 promised benefits commits a theft, punishable as provided in s.
568 812.014.

569 Section 13. For the purpose of incorporating the amendment
570 made by this act to section 812.014, Florida Statutes, in a
571 reference thereto, subsection (2) of section 642.038, Florida
572 Statutes, is reenacted to read:

573 642.038 Reporting and accounting for funds.—

574 (2) Any sales representative who, not being entitled
575 thereto, diverts or appropriates such funds or any portion
576 thereof to his or her own use commits theft as provided in s.
577 812.014.

578 Section 14. For the purpose of incorporating the amendment
579 made by this act to section 812.014, Florida Statutes, in a
580 reference thereto, subsection (4) of section 705.102, Florida
581 Statutes, is reenacted to read:

582 705.102 Reporting lost or abandoned property.—

583 (4) Any person who unlawfully appropriates such lost or
584 abandoned property to his or her own use or refuses to deliver
585 such property when required commits theft as defined in s.
586 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
587 775.084.

588 Section 15. For the purpose of incorporating the amendment
589 made by this act to section 812.014, Florida Statutes, in a
590 reference thereto, subsection (1) of section 812.0155, Florida
591 Statutes, is reenacted to read:

592 812.0155 Suspension of driver license following an



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593 adjudication of guilt for theft.-

594 (1) Except as provided in subsections (2) and (3), the
595 court may order the suspension of the driver license of each
596 person adjudicated guilty of any misdemeanor violation of s.
597 812.014 or s. 812.015, regardless of the value of the property
598 stolen. Upon ordering the suspension of the driver license of
599 the person adjudicated guilty, the court shall forward the
600 driver license of the person adjudicated guilty to the
601 Department of Highway Safety and Motor Vehicles in accordance
602 with s. 322.25.

603 (a) The first suspension of a driver license under this
604 subsection shall be for a period of up to 6 months.

605 (b) A second or subsequent suspension of a driver license
606 under this subsection shall be for 1 year.

607 Section 16. For the purpose of incorporating the amendment
608 made by this act to section 812.014, Florida Statutes, in a
609 reference thereto, paragraph (b) of subsection (1) of section
610 985.11, Florida Statutes, is reenacted to read:

611 985.11 Fingerprinting and photographing.-

612 (1)

613 (b) Unless the child is issued a civil citation or is
614 participating in a similar diversion program pursuant to s.
615 985.12, a child who is charged with or found to have committed
616 one of the following offenses shall be fingerprinted, and the
617 fingerprints shall be submitted to the Department of Law
618 Enforcement as provided in s. 943.051(3)(b):

619 1. Assault, as defined in s. 784.011.

620 2. Battery, as defined in s. 784.03.

621 3. Carrying a concealed weapon, as defined in s. 790.01(1).



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622 4. Unlawful use of destructive devices or bombs, as defined
623 in s. 790.1615(1).

624 5. Neglect of a child, as defined in s. 827.03(1)(e).

625 6. Assault on a law enforcement officer, a firefighter, or
626 other specified officers, as defined in s. 784.07(2)(a).

627 7. Open carrying of a weapon, as defined in s. 790.053.

628 8. Exposure of sexual organs, as defined in s. 800.03.

629 9. Unlawful possession of a firearm, as defined in s.
630 790.22(5).

631 10. Petit theft, as defined in s. 812.014.

632 11. Cruelty to animals, as defined in s. 828.12(1).

633 12. Arson, resulting in bodily harm to a firefighter, as
634 defined in s. 806.031(1).

635 13. Unlawful possession or discharge of a weapon or firearm
636 at a school-sponsored event or on school property as defined in
637 s. 790.115.

638

639 A law enforcement agency may fingerprint and photograph a child
640 taken into custody upon probable cause that such child has
641 committed any other violation of law, as the agency deems
642 appropriate. Such fingerprint records and photographs shall be
643 retained by the law enforcement agency in a separate file, and
644 these records and all copies thereof must be marked "Juvenile
645 Confidential." These records are not available for public
646 disclosure and inspection under s. 119.07(1) except as provided
647 in ss. 943.053 and 985.04(2), but shall be available to other
648 law enforcement agencies, criminal justice agencies, state
649 attorneys, the courts, the child, the parents or legal
650 custodians of the child, their attorneys, and any other person



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651 authorized by the court to have access to such records. In
652 addition, such records may be submitted to the Department of Law
653 Enforcement for inclusion in the state criminal history records
654 and used by criminal justice agencies for criminal justice
655 purposes. These records may, in the discretion of the court, be
656 open to inspection by anyone upon a showing of cause. The
657 fingerprint and photograph records shall be produced in the
658 court whenever directed by the court. Any photograph taken
659 pursuant to this section may be shown by a law enforcement
660 officer to any victim or witness of a crime for the purpose of
661 identifying the person who committed such crime.

662 Section 17. For the purpose of incorporating the amendment
663 made by this act to section 812.014, Florida Statutes, in a
664 reference thereto, paragraph (a) of subsection (1) of section
665 985.557, Florida Statutes, is reenacted to read:

666 985.557 Direct filing of an information; discretionary and
667 mandatory criteria.—

668 (1) DISCRETIONARY DIRECT FILE.—

669 (a) With respect to any child who was 14 or 15 years of age
670 at the time the alleged offense was committed, the state
671 attorney may file an information when in the state attorney's
672 judgment and discretion the public interest requires that adult
673 sanctions be considered or imposed and when the offense charged
674 is for the commission of, attempt to commit, or conspiracy to
675 commit:

- 676 1. Arson;
- 677 2. Sexual battery;
- 678 3. Robbery;
- 679 4. Kidnapping;



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- 680 5. Aggravated child abuse;
- 681 6. Aggravated assault;
- 682 7. Aggravated stalking;
- 683 8. Murder;
- 684 9. Manslaughter;
- 685 10. Unlawful throwing, placing, or discharging of a
686 destructive device or bomb;
- 687 11. Armed burglary in violation of s. 810.02(2)(b) or
688 specified burglary of a dwelling or structure in violation of s.
689 810.02(2)(c), or burglary with an assault or battery in
690 violation of s. 810.02(2)(a);
- 691 12. Aggravated battery;
- 692 13. Any lewd or lascivious offense committed upon or in the
693 presence of a person less than 16 years of age;
- 694 14. Carrying, displaying, using, threatening, or attempting
695 to use a weapon or firearm during the commission of a felony;
- 696 15. Grand theft in violation of s. 812.014(2)(a);
- 697 16. Possessing or discharging any weapon or firearm on
698 school property in violation of s. 790.115;
- 699 17. Home invasion robbery;
- 700 18. Carjacking; or
- 701 19. Grand theft of a motor vehicle in violation of s.
702 812.014(2)(c)6. or grand theft of a motor vehicle valued at
703 \$20,000 or more in violation of s. 812.014(2)(b) if the child
704 has a previous adjudication for grand theft of a motor vehicle
705 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
- 706 Section 18. This act shall take effect July 1, 2017.