



913354

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2017	.	
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	.	
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The Committee on Criminal Justice (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsection (1) of section 316.1301,  
Florida Statutes, is amended to read:

316.1301 Traffic regulations to assist blind persons.-

~~(1) It is unlawful for any person, unless totally or  
partially blind or otherwise incapacitated, while on any public  
street or highway, to carry in a raised or extended position a~~



913354

11 ~~eane or walking stick which is white in color or white tipped~~  
12 ~~with red. A person who is convicted of a violation of this~~  
13 ~~subsection is guilty of a misdemeanor of the second degree,~~  
14 ~~punishable as provided in s. 775.082 or s. 775.083.~~

15 Section 2. Subsection (3) of section 316.2956, Florida  
16 Statutes, is amended to read:

17 316.2956 Violation of provisions relating to windshields,  
18 windows, and sunscreening material; penalties.—

19 (3) Any person who sells or installs suncreening material  
20 in violation of any provision of ss. 316.2951-316.2955 commits a  
21 noncriminal violation ~~is guilty of a misdemeanor of the second~~  
22 ~~degree~~, punishable as provided in ~~s. 775.082 or~~ s. 775.083.

23 Section 3. Subsection (1) of section 316.646, Florida  
24 Statutes, is republished, and subsection (4) of that section is  
25 amended, to read:

26 316.646 Security required; proof of security and display  
27 thereof.—

28 (1) Any person required by s. 324.022 to maintain property  
29 damage liability security, required by s. 324.023 to maintain  
30 liability security for bodily injury or death, or required by s.  
31 627.733 to maintain personal injury protection security on a  
32 motor vehicle shall have in his or her immediate possession at  
33 all times while operating such motor vehicle proper proof of  
34 maintenance of the required security.

35 (a) Such proof shall be in a uniform paper or electronic  
36 format, as prescribed by the department, a valid insurance  
37 policy, an insurance policy binder, a certificate of insurance,  
38 or such other proof as may be prescribed by the department.

39 (b)1. The act of presenting to a law enforcement officer an



913354

40 electronic device displaying proof of insurance in an electronic  
41 format does not constitute consent for the officer to access any  
42 information on the device other than the displayed proof of  
43 insurance.

44 2. The person who presents the device to the officer  
45 assumes the liability for any resulting damage to the device.

46 (4) Any person presenting proof of insurance as required in  
47 subsection (1) who knows that the insurance as represented by  
48 such proof of insurance is not currently in force commits a  
49 noncriminal violation ~~is guilty of a misdemeanor of the first~~  
50 ~~degree~~, punishable as provided in ~~s. 775.082~~ or s. 775.083.

51 Section 4. Subsection (2) of section 318.14, Florida  
52 Statutes, is republished, and subsection (3) of that section is  
53 amended, to read:

54 318.14 Noncriminal traffic infractions; exception;  
55 procedures.—

56 (2) Except as provided in ss. 316.1001(2) and 316.0083, any  
57 person cited for a violation requiring a mandatory hearing  
58 listed in s. 318.19 or any other criminal traffic violation  
59 listed in chapter 316 must sign and accept a citation indicating  
60 a promise to appear. The officer may indicate on the traffic  
61 citation the time and location of the scheduled hearing and must  
62 indicate the applicable civil penalty established in s. 318.18.  
63 For all other infractions under this section, except for  
64 infractions under s. 316.1001, the officer must certify by  
65 electronic, electronic facsimile, or written signature that the  
66 citation was delivered to the person cited. This certification  
67 is prima facie evidence that the person cited was served with  
68 the citation.



913354

69 (3) Any person who willfully refuses to accept and sign a  
70 summons as provided in subsection (2) commits a noncriminal  
71 violation, punishable as provided in s. 775.083 ~~misdemeanor of~~  
72 ~~the second degree.~~

73 Section 5. Subsection (3) of section 322.03, Florida  
74 Statutes, is amended to read:

75 322.03 Drivers must be licensed; penalties.—

76 (3) (a) The department may not issue a commercial driver  
77 license to any person who is not a resident of this state.

78 (b) A resident of this state who is required by the laws of  
79 this state to possess a commercial driver license may not  
80 operate a commercial motor vehicle in this state unless he or  
81 she possesses a valid commercial driver license issued by this  
82 state. Except as provided in paragraph (c), any person who  
83 violates this paragraph commits ~~is guilty of~~ a misdemeanor of  
84 the second ~~first~~ degree, punishable as provided in s. 775.082 or  
85 s. 775.083.

86 (c) Any person whose commercial driver license has been  
87 expired for a period of 30 days or less and who drives a  
88 commercial motor vehicle within this state commits ~~is guilty of~~  
89 a nonmoving violation, punishable as provided in s. 318.18.

90 Section 6. Subsections (1) through (4) of section 322.055,  
91 Florida Statutes, are amended to read:

92 322.055 Revocation or suspension of, or delay of  
93 eligibility for, driver license for persons 18 years of age or  
94 older convicted of certain drug offenses.—

95 (1) Notwithstanding s. 322.28, upon the conviction of a  
96 person 18 years of age or older for possession or sale of,  
97 trafficking in, or conspiracy to possess, sell, or traffic in a



913354

98 controlled substance, the court shall direct the department to  
99 revoke the driver license or driving privilege of the person.  
100 The period of such revocation shall be 6 months ~~1 year~~ or until  
101 the person is evaluated for and, if deemed necessary by the  
102 evaluating agency, completes a drug treatment and rehabilitation  
103 program approved or regulated by the Department of Children and  
104 Families. However, the court may, in its sound discretion,  
105 direct the department to issue a license for driving privilege  
106 restricted to business or employment purposes only, as defined  
107 by s. 322.271, if the person is otherwise qualified for such a  
108 license. ~~A driver whose license or driving privilege has been~~  
109 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
110 ~~the expiration of 6 months, petition the department for~~  
111 ~~restoration of the driving privilege on a restricted or~~  
112 ~~unrestricted basis depending on length of suspension or~~  
113 ~~revocation. In no case shall~~ A restricted license may not be  
114 available until 6 months of the suspension or revocation period  
115 has been completed ~~expired~~.

116 (2) If a person 18 years of age or older is convicted for  
117 the possession or sale of, trafficking in, or conspiracy to  
118 possess, sell, or traffic in a controlled substance and such  
119 person is eligible by reason of age for a driver license or  
120 privilege, the court shall direct the department to withhold  
121 issuance of such person's driver license or driving privilege  
122 for a period of 6 months ~~1 year~~ after the date the person was  
123 convicted or until the person is evaluated for and, if deemed  
124 necessary by the evaluating agency, completes a drug treatment  
125 and rehabilitation program approved or regulated by the  
126 Department of Children and Families. However, the court may, in



913354

127 its sound discretion, direct the department to issue a license  
128 for driving privilege restricted to business or employment  
129 purposes only, as defined by s. 322.271, if the person is  
130 otherwise qualified for such a license. ~~A driver whose license  
131 or driving privilege has been suspended or revoked under this  
132 section or s. 322.056 may, upon the expiration of 6 months,  
133 petition the department for restoration of the driving privilege  
134 on a restricted or unrestricted basis depending on the length of  
135 suspension or revocation. In no case shall A restricted license  
136 may not be available until 6 months of the suspension or  
137 revocation period has been completed ~~expired~~.~~

138 (3) If a person 18 years of age or older is convicted for  
139 the possession or sale of, trafficking in, or conspiracy to  
140 possess, sell, or traffic in a controlled substance and such  
141 person's driver license or driving privilege is already under  
142 suspension or revocation for any reason, the court shall direct  
143 the department to extend the period of such suspension or  
144 revocation by an additional period of 6 months ~~1 year~~ or until  
145 the person is evaluated for and, if deemed necessary by the  
146 evaluating agency, completes a drug treatment and rehabilitation  
147 program approved or regulated by the Department of Children and  
148 Families. However, the court may, in its sound discretion,  
149 direct the department to issue a license for driving privilege  
150 restricted to business or employment purposes only, as defined  
151 by s. 322.271, if the person is otherwise qualified for such a  
152 license. ~~A driver whose license or driving privilege has been  
153 suspended or revoked under this section or s. 322.056 may, upon  
154 the expiration of 6 months, petition the department for  
155 restoration of the driving privilege on a restricted or~~



913354

156 ~~unrestricted basis depending on the length of suspension or~~  
157 ~~revocation. In no case shall~~ A restricted license may not be  
158 available until 6 months of the suspension or revocation period  
159 has been completed ~~expired~~.

160 (4) If a person 18 years of age or older is convicted for  
161 the possession or sale of, trafficking in, or conspiracy to  
162 possess, sell, or traffic in a controlled substance and such  
163 person is ineligible by reason of age for a driver license or  
164 driving privilege, the court shall direct the department to  
165 withhold issuance of such person's driver license or driving  
166 privilege for a period of 6 months ~~1 year~~ after the date that he  
167 or she would otherwise have become eligible or until he or she  
168 becomes eligible by reason of age for a driver license and is  
169 evaluated for and, if deemed necessary by the evaluating agency,  
170 completes a drug treatment and rehabilitation program approved  
171 or regulated by the Department of Children and Families.  
172 However, the court may, in its sound discretion, direct the  
173 department to issue a license for driving privilege restricted  
174 to business or employment purposes only, as defined by s.  
175 322.271, if the person is otherwise qualified for such a  
176 license. ~~A driver whose license or driving privilege has been~~  
177 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
178 ~~the expiration of 6 months, petition the department for~~  
179 ~~restoration of the driving privilege on a restricted or~~  
180 ~~unrestricted basis depending on the length of suspension or~~  
181 ~~revocation. In no case shall~~ A restricted license may not be  
182 available until 6 months of the suspension or revocation period  
183 has been completed ~~expired~~.

184 Section 7. Section 562.14, Florida Statutes, is amended to



913354

185 read:

186 562.14 Regulating the time for sale of alcoholic and  
187 intoxicating beverages; prohibiting use of licensed premises.—

188 (1) Except as otherwise provided by county or municipal  
189 ordinance, ~~no~~ alcoholic beverages may not be sold, consumed,  
190 served, or permitted to be served or consumed in any place  
191 holding a license under the division between the hours of  
192 midnight and 7 a.m. of the following day. This section does  
193 ~~shall~~ not apply to railroads selling only to passengers for  
194 consumption on railroad cars. A person who violates this  
195 subsection commits a noncriminal violation, punishable as  
196 provided in s. 775.083.

197 (2) Except as otherwise provided by county or municipal  
198 ordinance, a ~~no~~ vendor issued an alcoholic beverage license to  
199 sell alcoholic beverages for consumption on the vendor's  
200 licensed premises and whose principal business is the sale of  
201 alcoholic beverages may not, ~~shall~~ allow the licensed premises,  
202 as defined in s. 561.01(11), to be rented, leased, or otherwise  
203 used during the hours in which the sale of alcoholic beverages  
204 is prohibited. However, this prohibition does ~~shall~~ not apply to  
205 the rental, lease, or other use of the licensed premises on  
206 Sundays after 8 a.m. Further, neither this subsection, nor any  
207 local ordinance adopted pursuant to this subsection, shall be  
208 construed to apply to a theme park complex as defined in s.  
209 565.02(6) or an entertainment/resort complex as defined in s.  
210 561.01(18). A person who violates this subsection commits a  
211 misdemeanor of the second degree, punishable as provided in s.  
212 775.082 or s. 775.083.

213 (3) The division is not ~~shall not be~~ responsible for the





913354

214 enforcement of the hours of sale established by county or  
215 municipal ordinance.

216 ~~(4) Any person violating this section shall be guilty of a~~  
217 ~~misdemeanor of the second degree, punishable as provided in s.~~  
218 ~~775.082 or s. 775.083.~~

219 Section 8. Section 562.50, Florida Statutes, is amended to  
220 read:

221 562.50 Habitual drunkards; furnishing intoxicants to, after  
222 notice.—Any person who shall sell, give away, dispose of,  
223 exchange, or barter any alcoholic beverage, or any essence,  
224 extract, bitters, preparation, compound, composition, or any  
225 article whatsoever under any name, label, or brand, which  
226 produces intoxication, to any person habitually addicted to the  
227 use of any or all such intoxicating liquors, after having been  
228 given written notice by wife, husband, father, mother, sister,  
229 brother, child, or nearest relative that said person so addicted  
230 is an habitual drunkard and that the use of intoxicating drink  
231 or drinks is working an injury to the person using said liquors,  
232 or to the person giving said written notice, commits a  
233 noncriminal violation ~~shall be guilty of a misdemeanor of the~~  
234 ~~second degree, punishable as provided in s. 775.082 or s.~~  
235 ~~775.083.~~

236 Section 9. Paragraphs (c), (d), and (e) of subsection (2)  
237 and paragraph (c) of subsection (3) of section 812.014, Florida  
238 Statutes, are amended to read:

239 812.014 Theft.—

240 (2)

241 (c) It is grand theft of the third degree and a felony of  
242 the third degree, punishable as provided in s. 775.082, s.



913354

243 775.083, or s. 775.084, if the property stolen is:  
244 1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.  
245 2. Valued at \$5,000 or more, but less than \$10,000.  
246 3. Valued at \$10,000 or more, but less than \$20,000.  
247 ~~4. A will, codicil, or other testamentary instrument.~~  
248 ~~4.5.~~ A firearm.  
249 ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).  
250 ~~6.7.~~ Any commercially farmed animal, including any animal  
251 of the equine, bovine, or swine class or other grazing animal; a  
252 bee colony of a registered beekeeper; and aquaculture species  
253 raised at a certified aquaculture facility. If the property  
254 stolen is aquaculture species raised at a certified aquaculture  
255 facility, then a \$10,000 fine shall be imposed.  
256 ~~7.8.~~ Any fire extinguisher.  
257 ~~8.9.~~ Any amount of citrus fruit consisting of 2,000 or more  
258 individual pieces of fruit.  
259 ~~9.10.~~ Taken from a designated construction site identified  
260 by the posting of a sign as provided for in s. 810.09(2)(d).  
261 ~~11. Any stop sign.~~  
262 ~~10.12.~~ Anhydrous ammonia.  
263 ~~11.13.~~ Any amount of a controlled substance as defined in  
264 s. 893.02. Notwithstanding any other law, separate judgments and  
265 sentences for theft of a controlled substance under this sub-  
266 subparagraph ~~subparagraph~~ and for any applicable possession of  
267 controlled substance offense under s. 893.13 or trafficking in  
268 controlled substance offense under s. 893.135 may be imposed  
269 when all such offenses involve the same amount or amounts of a  
270 controlled substance.  
271



913354

272 However, if the property is stolen within a county that is  
273 subject to a state of emergency declared by the Governor under  
274 chapter 252, the property is stolen after the declaration of  
275 emergency is made, and the perpetration of the theft is  
276 facilitated by conditions arising from the emergency, the  
277 offender commits a felony of the second degree, punishable as  
278 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
279 property is valued at \$5,000 or more, but less than \$10,000, as  
280 provided under subparagraph 2., or if the property is valued at  
281 \$10,000 or more, but less than \$20,000, as provided under  
282 subparagraph 3. As used in this paragraph, the term "conditions  
283 arising from the emergency" means civil unrest, power outages,  
284 curfews, voluntary or mandatory evacuations, or a reduction in  
285 the presence of or the response time for first responders or  
286 homeland security personnel. For purposes of sentencing under  
287 chapter 921, a felony offense that is reclassified under this  
288 paragraph is ranked one level above the ranking under s.  
289 921.0022 or s. 921.0023 of the offense committed.

290 (d) It is grand theft of the third degree and a felony of  
291 the third degree, punishable as provided in s. 775.082, s.  
292 775.083, or s. 775.084, if the property stolen is valued at \$100  
293 or more, but less than \$1,000 ~~\$300~~, and is taken from a dwelling  
294 as defined in s. 810.011(2) or from the unenclosed curtilage of  
295 a dwelling pursuant to s. 810.09(1).

296 (e) Except as provided in paragraph (d), if the property  
297 stolen is valued at \$100 or more, but less than \$1,000 ~~\$300~~, the  
298 offender commits petit theft of the first degree, punishable as  
299 a misdemeanor of the first degree, as provided in s. 775.082 or  
300 s. 775.083.



913354

301 (3)  
302 ~~(c) A person who commits petit theft and who has previously~~  
303 ~~been convicted two or more times of any theft commits a felony~~  
304 ~~of the third degree, punishable as provided in s. 775.082 or s.~~  
305 ~~775.083.~~

306 Section 10. Paragraph (b) of subsection (2) and paragraph  
307 (c) of subsection (4) of section 832.05, Florida Statutes, are  
308 amended to read:

309 832.05 Giving worthless checks, drafts, and debit card  
310 orders; penalty; duty of drawee; evidence; costs; complaint  
311 form.—

312 (2) WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS;  
313 PENALTY.—

314 (b) A violation of the provisions of this subsection  
315 constitutes a misdemeanor of the first degree, punishable as  
316 provided in s. 775.082 or s. 775.083, unless the check, draft,  
317 debit card order, or other written order drawn, made, uttered,  
318 issued, or delivered is in the amount of \$500 ~~\$150~~, or its  
319 equivalent, or more and the payee or a subsequent holder thereof  
320 receives something of value therefor. In that event, the  
321 violation constitutes a felony of the third degree, punishable  
322 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

325 (c) A violation of the provisions of this subsection, if  
326 the check, draft, other written order, or debit card order is  
327 for an amount less than \$500 ~~\$150~~ or its equivalent, constitutes  
328 a misdemeanor of the first degree, punishable as provided in s.  
329 775.082 or s. 775.083. A violation of the provisions of this



913354

330 subsection, if the check, draft, other written order, or debit  
331 card order is in the amount of \$500 ~~\$150~~, or its equivalent, or  
332 more, constitutes a felony of the third degree, punishable as  
333 provided in s. 775.082, s. 775.083, or s. 775.084.

334 Section 11. Subsection (2) of section 832.062, Florida  
335 Statutes, is amended, and subsection (1) of that section is  
336 republished, to read:

337 832.062 Prosecution for worthless checks, drafts, debit  
338 card orders, or electronic funds transfers made to pay any tax  
339 or associated amount administered by the Department of Revenue.—

340 (1) It is unlawful for any person, firm, or corporation to  
341 draw, make, utter, issue, or deliver to the Department of  
342 Revenue any check, draft, or other written order on any bank or  
343 depository, to use a debit card, to make, send, instruct, order,  
344 or initiate any electronic funds transfer, or to cause or direct  
345 the making, sending, instructing, ordering, or initiating of any  
346 electronic funds transfer, for the payment of any taxes,  
347 penalties, interest, fees, or associated amounts administered by  
348 the Department of Revenue, knowing at the time of the drawing,  
349 making, uttering, issuing, or delivering such check, draft, or  
350 other written order, at the time of using such debit card, at  
351 the time of making, sending, instructing, ordering, or  
352 initiating any electronic funds transfer, or at the time of  
353 causing or directing the making, sending, instructing, ordering,  
354 initiating, or executing of any electronic funds transfer, that  
355 the maker, drawer, sender, or receiver thereof has not  
356 sufficient funds on deposit in or credit with such bank or  
357 depository with which to pay the same on presentation. This  
358 section does not apply to any check or electronic funds transfer



913354

359 when the Department of Revenue knows or has been expressly  
360 notified prior to the drawing or uttering of the check or the  
361 sending or initiating of the electronic funds transfer, or has  
362 reason to believe, that the drawer, sender, or receiver did not  
363 have on deposit or to the drawer's, sender's, or receiver's  
364 credit with the drawee or receiving bank or depository  
365 sufficient funds to ensure payment as aforesaid, and this  
366 section does not apply to any postdated check.

367 (2) A violation of this section constitutes a misdemeanor  
368 of the second degree, punishable as provided in s. 775.082 or s.  
369 775.083, unless the check, draft, debit card order, or other  
370 written order drawn, made, uttered, issued, or delivered, or  
371 electronic funds transfer made, sent, instructed, ordered, or  
372 initiated, or caused or directed to be made, sent, instructed,  
373 ordered, or initiated is in the amount of \$500 ~~\$150~~ or more. In  
374 that event, the violation constitutes a felony of the third  
375 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
376 775.084.

377 Section 12. Paragraphs (a) through (d) of subsection (3) of  
378 section 921.0022, Florida Statutes, are amended to read:

379 921.0022 Criminal Punishment Code; offense severity ranking  
380 chart.—

381 (3) OFFENSE SEVERITY RANKING CHART

382 (a) LEVEL 1

383

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state

384



913354

lottery ticket.

385

212.054 (2) (b) 3rd Discretionary sales surtax;  
limitations, administration,  
and collection.

386

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

387

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

388

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

389

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

390

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

391

322.212 3rd Possession of forged,  
(1) (a) - (c) stolen, counterfeit, or  
unlawfully issued driver



913354

392			license; possession of simulated identification.
	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
393			
	322.212 (5) (a)	3rd	False application for driver license or identification card.
394			
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
395			
	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
396			
	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
397			
	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
398			





913354

399	562.27(1)	3rd	Possess still or still apparatus.
400	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
401	<del>812.014(3)(e)</del>	<del>3rd</del>	<del>Petit theft (3rd conviction); theft of any property not specified in subsection (2).</del>
402	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
403	815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
404	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.



913354

405	826.01	3rd	Bigamy.
406	828.122 (3)	3rd	Fighting or baiting animals.
407	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
408	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
409	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
410	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks <u>\$500</u> <del>\$150</del> or more or obtaining property in return for worthless check <u>\$500</u> <del>\$150</del> or more.
411	838.15 (2)	3rd	Commercial bribe receiving.
412	838.16	3rd	Commercial bribery.
413			



913354

414	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
415	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
416	849.01	3rd	Keeping gambling house.
417	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
418	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
419	849.25(2)	3rd	Engaging in bookmaking.
420	860.08	3rd	Interfere with a railroad signal.
421	860.13(1)(a)	3rd	Operate aircraft while under the influence.
	893.13(2)(a)2.	3rd	Purchase of cannabis.



913354

422	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
423	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
424			
425			
426			
427	(b) LEVEL 2		
428			
	Florida	Felony	
	Statute	Degree	Description
429	379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
430	379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
431	403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in



913354

weight or 100 cubic feet  
in volume or any  
quantity for commercial  
purposes, or hazardous  
waste.

432

517.07(2)

3rd

Failure to furnish a  
prospectus meeting  
requirements.

433

590.28(1)

3rd

Intentional burning of  
lands.

434

784.05(3)

3rd

Storing or leaving a  
loaded firearm within  
reach of minor who uses  
it to inflict injury or  
death.

435

787.04(1)

3rd

In violation of court  
order, take, entice,  
etc., minor beyond state  
limits.

436

806.13(1)(b)3.

3rd

Criminal mischief;  
damage \$1,000 or more to  
public communication or  
any other public  
service.



913354

437	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
438	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
439	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$300</del> or more but less than \$5,000.
440	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$1,000</u> <del>\$300</del> , taken from unenclosed curtilage of dwelling.
441	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
442	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.



913354

443	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
444	817.52 (3)	3rd	Failure to redeliver hired vehicle.
445	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
446	817.60 (5)	3rd	Dealing in credit cards of another.
447	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
448	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
449	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.



913354

450	831.01	3rd	Forgery.
451	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
452	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
453	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
454	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
455	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
456	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
457			





913354

458	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.
459	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
460			
461			
462			
463	(c) LEVEL 3		
464			
	Florida	Felony	
	Statute	Degree	Description
465	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
466	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
467			



913354

468	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
469	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
470	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
471	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
472	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
473	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
474	327.35 (2) (b)	3rd	Felony BUI.



913354

475	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
476	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
477	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
478	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
	379.2431	3rd	Soliciting to commit or



913354

479	(1) (e) 6.		conspiring to commit a violation of the Marine Turtle Protection Act.
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
480	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
481	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
482	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
483	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.



913354

484	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
485	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
486	697.08	3rd	Equity skimming.
487	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
488	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
489	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
490	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous



913354

weapon.

491	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
492	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
493	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
494	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
495	817.233	3rd	Burning to defraud insurer.
496	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
497	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
498	817.236	3rd	Filing a false motor vehicle insurance



913354

499			application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
500			
	817.413 (2)	3rd	Sale of used goods as new.
501			
	817.505 (4)	3rd	Patient brokering.
502			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
503			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
504			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
505			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.



913354

506	843.19	3rd	Injure, disable, or kill police dog or horse.
507	860.15(3)	3rd	Overcharging for repairs and parts.
508	870.01(2)	3rd	Riot; inciting or encouraging.
509	893.13(1)(a)2.	3rd	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).
510	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver 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 university.
511	893.13(1)(f)2.	2nd	Sell, manufacture, or





913354

deliver 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 public housing facility.

512

893.13(4)(c)

3rd

Use or hire of minor;  
deliver to minor other  
controlled substances.

513

893.13(6)(a)

3rd

Possession of any  
controlled substance other  
than felony possession of  
cannabis.

514

893.13(7)(a)8.

3rd

Withhold information from  
practitioner regarding  
previous receipt of or  
prescription for a  
controlled substance.

515

893.13(7)(a)9.

3rd

Obtain or attempt to obtain  
controlled substance by  
fraud, forgery,  
misrepresentation, etc.

516

893.13(7)(a)10.

3rd

Affix false or forged label



913354

to package of controlled  
substance.

517

893.13(7)(a)11.

3rd

Furnish false or fraudulent  
material information on any  
document or record required  
by chapter 893.

518

893.13(8)(a)1.

3rd

Knowingly assist a patient,  
other person, or owner of  
an animal in obtaining a  
controlled substance  
through deceptive, untrue,  
or fraudulent  
representations in or  
related to the  
practitioner's practice.

519

893.13(8)(a)2.

3rd

Employ a trick or scheme in  
the practitioner's practice  
to assist a patient, other  
person, or owner of an  
animal in obtaining a  
controlled substance.

520

893.13(8)(a)3.

3rd

Knowingly write a  
prescription for a  
controlled substance for a  
fictitious person.



913354

521	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
522	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
523	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
524	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
525	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
526			
527			
528			
529	(d) LEVEL 4		
530			



913354

	Florida Statute	Felony Degree	Description
531	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.
532	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
533	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
534	517.07 (1)	3rd	Failure to register securities.
535	517.12 (1)	3rd	Failure of dealer, associated person, or



913354

536			issuer of securities to register.
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
537			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
538			
	784.075	3rd	Battery on detention or commitment facility staff.
539			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
540			
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
541			
	784.081 (3)	3rd	Battery on specified official or employee.
542			
	784.082 (3)	3rd	Battery by detained person on visitor or



913354

543			other detainee.
	784.083 (3)	3rd	Battery on code inspector.
544			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
545			
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
546			
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
547			
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.



913354

548	787.07	3rd	Human smuggling.
549	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
550	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
551	790.115 (2) (c)	3rd	Possessing firearm on school property.
552	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
553	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
554	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance;



913354

555			unarmed; no assault or battery.
556	810.06	3rd	Burglary; possession of tools.
557	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
558	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
559	<u>812.014</u> <u>(2) (c) 4.-9.</u> <del>812.014</del> <del>(2) (c) 4.-10.</del>	3rd	Grand theft, 3rd degree, <del>a will,</del> firearm, motor vehicle, livestock, <u>fire extinguisher, citrus fruit, construction site property etc.</u>
560	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance





913354

561	817.568 (2) (a)	3rd	agreed upon, excluding s. 893.03(5) drugs. Fraudulent use of personal identification information.
562	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
563	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
564	837.02 (1)	3rd	Perjury in official proceedings.
565	837.021 (1)	3rd	Make contradictory statements in official proceedings.
566	838.022	3rd	Official misconduct.
567	839.13 (2) (a)	3rd	Falsifying records of an individual in the care



913354

568			and custody of a state agency.
	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
569			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
570			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
571			
	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
572			
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
573			
	874.05(1)(a)	3rd	Encouraging or



913354

574			recruiting another to join a criminal gang.
	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).
575			
	914.14 (2)	3rd	Witnesses accepting bribes.
576			
	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
577			
	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
578			
	918.12	3rd	Tampering with jurors.
579			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
580			
581			



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Section 13. For the purpose of incorporating the amendment made by this act to section 316.1301, Florida Statutes, in a reference thereto, paragraph (f) of subsection (3) of section 318.18, Florida Statutes, is reenacted to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(3)

(f) If a violation of s. 316.1301 or s. 316.1303(1) results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to \$250 shall be paid. This amount must be distributed pursuant to s. 318.21.

Section 14. For the purpose of incorporating the amendment made by this act to section 316.1301, Florida Statutes, in a reference thereto, subsection (4) of section 318.21, Florida Statutes, is reenacted to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(4) Of the additional fine assessed under s. 318.18(3)(f) for a violation of s. 316.1301, 40 percent must be remitted to the Department of Revenue for deposit in the Grants and Donations Trust Fund of the Division of Blind Services of the Department of Education, and 60 percent must be distributed pursuant to subsections (1) and (2).

Section 15. For the purpose of incorporating the amendment made by this act to section 316.646, Florida Statutes, in a



913354

611 reference thereto, paragraph (a) of subsection (5) of section  
612 320.02, Florida Statutes, is reenacted to read:

613 320.02 Registration required; application for registration;  
614 forms.—

615 (5) (a) Proof that personal injury protection benefits have  
616 been purchased if required under s. 627.733, that property  
617 damage liability coverage has been purchased as required under  
618 s. 324.022, that bodily injury or death coverage has been  
619 purchased if required under s. 324.023, and that combined bodily  
620 liability insurance and property damage liability insurance have  
621 been purchased if required under s. 627.7415 shall be provided  
622 in the manner prescribed by law by the applicant at the time of  
623 application for registration of any motor vehicle that is  
624 subject to such requirements. The issuing agent shall refuse to  
625 issue registration if such proof of purchase is not provided.  
626 Insurers shall furnish uniform proof-of-purchase cards in a  
627 paper or electronic format in a form prescribed by the  
628 department and include the name of the insured's insurance  
629 company, the coverage identification number, and the make, year,  
630 and vehicle identification number of the vehicle insured. The  
631 card must contain a statement notifying the applicant of the  
632 penalty specified under s. 316.646(4). The card or insurance  
633 policy, insurance policy binder, or certificate of insurance or  
634 a photocopy of any of these; an affidavit containing the name of  
635 the insured's insurance company, the insured's policy number,  
636 and the make and year of the vehicle insured; or such other  
637 proof as may be prescribed by the department shall constitute  
638 sufficient proof of purchase. If an affidavit is provided as  
639 proof, it must be in substantially the following form:



913354

640  
641 Under penalty of perjury, I ...(Name of insured)... do hereby  
642 certify that I have ...(Personal Injury Protection, Property  
643 Damage Liability, and, if required, Bodily Injury Liability)...  
644 Insurance currently in effect with ...(Name of insurance  
645 company)... under ...(policy number)... covering ...(make, year,  
646 and vehicle identification number of vehicle).... ...(Signature  
647 of Insured)...

648  
649 Such affidavit must include the following warning:

650  
651 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
652 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
653 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
654 SUBJECT TO PROSECUTION.

655  
656 If an application is made through a licensed motor vehicle  
657 dealer as required under s. 319.23, the original or a  
658 photostatic copy of such card, insurance policy, insurance  
659 policy binder, or certificate of insurance or the original  
660 affidavit from the insured shall be forwarded by the dealer to  
661 the tax collector of the county or the Department of Highway  
662 Safety and Motor Vehicles for processing. By executing the  
663 aforesaid affidavit, no licensed motor vehicle dealer will be  
664 liable in damages for any inadequacy, insufficiency, or  
665 falsification of any statement contained therein. A card must  
666 also indicate the existence of any bodily injury liability  
667 insurance voluntarily purchased.

668 Section 16. For the purpose of incorporating the amendment



913354

669 made by this act to section 812.014, Florida Statutes, in a  
670 reference thereto, subsection (10) of section 95.18, Florida  
671 Statutes, is reenacted to read:

672 95.18 Real property actions; adverse possession without  
673 color of title.—

674 (10) A person who occupies or attempts to occupy a  
675 residential structure solely by claim of adverse possession  
676 under this section and offers the property for lease to another  
677 commits theft under s. 812.014.

678 Section 17. For the purpose of incorporating the amendment  
679 made by this act to section 812.014, Florida Statutes, in a  
680 reference thereto, paragraph (c) of subsection (3) of section  
681 373.6055, Florida Statutes, is reenacted to read:

682 373.6055 Criminal history checks for certain water  
683 management district employees and others.—

684 (3)

685 (c) In addition to other requirements for employment or  
686 access established by any water management district pursuant to  
687 its water management district's security plan for buildings,  
688 facilities, and structures, each water management district's  
689 security plan shall provide that:

690 1. Any person who has within the past 7 years been  
691 convicted, regardless of whether adjudication was withheld, for  
692 a forcible felony as defined in s. 776.08; an act of terrorism  
693 as defined in s. 775.30; planting of a hoax bomb as provided in  
694 s. 790.165; any violation involving the manufacture, possession,  
695 sale, delivery, display, use, or attempted or threatened use of  
696 a weapon of mass destruction or hoax weapon of mass destruction  
697 as provided in s. 790.166; dealing in stolen property; any



913354

698 violation of s. 893.135; any violation involving the sale,  
699 manufacturing, delivery, or possession with intent to sell,  
700 manufacture, or deliver a controlled substance; burglary;  
701 robbery; any felony violation of s. 812.014; any violation of s.  
702 790.07; any crime an element of which includes use or possession  
703 of a firearm; any conviction for any similar offenses under the  
704 laws of another jurisdiction; or conviction for conspiracy to  
705 commit any of the listed offenses may not be qualified for  
706 initial employment within or authorized regular access to  
707 buildings, facilities, or structures defined in the water  
708 management district's security plan as restricted access areas.

709         2. Any person who has at any time been convicted of any of  
710 the offenses listed in subparagraph 1. may not be qualified for  
711 initial employment within or authorized regular access to  
712 buildings, facilities, or structures defined in the water  
713 management district's security plan as restricted access areas  
714 unless, after release from incarceration and any supervision  
715 imposed as a sentence, the person remained free from a  
716 subsequent conviction, regardless of whether adjudication was  
717 withheld, for any of the listed offenses for a period of at  
718 least 7 years prior to the employment or access date under  
719 consideration.

720         Section 18. For the purpose of incorporating the amendment  
721 made by this act to section 812.014, Florida Statutes, in a  
722 reference thereto, subsection (3) of section 400.9935, Florida  
723 Statutes, is reenacted to read:

724         400.9935 Clinic responsibilities.—

725         (3) A charge or reimbursement claim made by or on behalf of  
726 a clinic that is required to be licensed under this part but





913354

727 that is not so licensed, or that is otherwise operating in  
728 violation of this part, regardless of whether a service is  
729 rendered or whether the charge or reimbursement claim is paid,  
730 is an unlawful charge and is noncompensable and unenforceable. A  
731 person who knowingly makes or causes to be made an unlawful  
732 charge commits theft within the meaning of and punishable as  
733 provided in s. 812.014.

734 Section 19. For the purpose of incorporating the amendment  
735 made by this act to section 812.014, Florida Statutes, in a  
736 reference thereto, paragraph (g) of subsection (17) of section  
737 409.910, Florida Statutes, is reenacted to read:

738 409.910 Responsibility for payments on behalf of Medicaid-  
739 eligible persons when other parties are liable.-

740 (17)

741 (g) The agency may investigate and request appropriate  
742 officers or agencies of the state to investigate suspected  
743 criminal violations or fraudulent activity related to third-  
744 party benefits, including, without limitation, ss. 414.39 and  
745 812.014. Such requests may be directed, without limitation, to  
746 the Medicaid Fraud Control Unit of the Office of the Attorney  
747 General or to any state attorney. Pursuant to s. 409.913, the  
748 Attorney General has primary responsibility to investigate and  
749 control Medicaid fraud.

750 Section 20. For the purpose of incorporating the amendment  
751 made by this act to section 812.014, Florida Statutes, in a  
752 reference thereto, subsection (4) of section 489.126, Florida  
753 Statutes, is reenacted to read:

754 489.126 Moneys received by contractors.-

755 (4) Any person who violates any provision of this section



913354

756 is guilty of theft and shall be prosecuted and punished under s.  
757 812.014.

758 Section 21. For the purpose of incorporating the amendment  
759 made by this act to section 812.014, Florida Statutes, in a  
760 reference thereto, subsection (2) of section 538.23, Florida  
761 Statutes, is reenacted to read:

762 538.23 Violations and penalties.—

763 (2) A secondary metals recycler is presumed to know upon  
764 receipt of stolen regulated metals property in a purchase  
765 transaction that the regulated metals property has been stolen  
766 from another if the secondary metals recycler knowingly and  
767 intentionally fails to maintain the information required in s.  
768 538.19 and shall, upon conviction of a violation of s. 812.015,  
769 be punished as provided in s. 812.014(2) or (3).

770 Section 22. For the purpose of incorporating the amendment  
771 made by this act to section 812.014, Florida Statutes, in a  
772 reference thereto, subsection (10) of section 550.6305, Florida  
773 Statutes, is reenacted to read:

774 550.6305 Intertrack wagering; guest track payments;  
775 accounting rules.—

776 (10) All races or games conducted at a permitholder's  
777 facility, all broadcasts of such races or games, and all  
778 broadcast rights relating thereto are owned by the permitholder  
779 at whose facility such races or games are conducted and  
780 constitute the permitholder's property as defined in s.  
781 812.012(4). Transmission, reception of a transmission,  
782 exhibition, use, or other appropriation of such races or games,  
783 broadcasts of such races or games, or broadcast rights relating  
784 thereto without the written consent of the permitholder



913354

785 constitutes a theft of such property under s. 812.014; and in  
786 addition to the penal sanctions contained in s. 812.014, the  
787 permitholder has the right to avail itself of the civil remedies  
788 specified in ss. 772.104, 772.11, and 812.035 in addition to any  
789 other remedies available under applicable state or federal law.

790 Section 23. For the purpose of incorporating the amendment  
791 made by this act to section 812.014, Florida Statutes, in a  
792 reference thereto, subsection (2) of section 634.319, Florida  
793 Statutes, is reenacted to read:

794 634.319 Reporting and accounting for funds.—

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

799 Section 24. For the purpose of incorporating the amendment  
800 made by this act to section 812.014, Florida Statutes, in a  
801 reference thereto, subsection (2) of section 634.421, Florida  
802 Statutes, is reenacted to read:

803 634.421 Reporting and accounting for funds.—

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

807 Section 25. For the purpose of incorporating the amendment  
808 made by this act to section 812.014, Florida Statutes, in a  
809 reference thereto, subsection (3) of section 636.238, Florida  
810 Statutes, is reenacted to read:

811 636.238 Penalties for violation of this part.—

812 (3) A person who collects fees for purported membership in  
813 a discount medical plan but purposefully fails to provide the



913354

814 promised benefits commits a theft, punishable as provided in s.  
815 812.014.

816 Section 26. For the purpose of incorporating the amendment  
817 made by this act to section 812.014, Florida Statutes, in a  
818 reference thereto, subsection (2) of section 642.038, Florida  
819 Statutes, is reenacted to read:

820 642.038 Reporting and accounting for funds.—

821 (2) Any sales representative who, not being entitled  
822 thereto, diverts or appropriates such funds or any portion  
823 thereof to his or her own use commits theft as provided in s.  
824 812.014.

825 Section 27. For the purpose of incorporating the amendment  
826 made by this act to section 812.014, Florida Statutes, in a  
827 reference thereto, subsection (4) of section 705.102, Florida  
828 Statutes, is reenacted to read:

829 705.102 Reporting lost or abandoned property.—

830 (4) Any person who unlawfully appropriates such lost or  
831 abandoned property to his or her own use or refuses to deliver  
832 such property when required commits theft as defined in s.  
833 812.014, punishable as provided in s. 775.082, s. 775.083, or s.  
834 775.084.

835 Section 28. For the purpose of incorporating the amendment  
836 made by this act to section 812.014, Florida Statutes, in a  
837 reference thereto, subsection (2) of section 812.015, Florida  
838 Statutes, is reenacted to read:

839 812.015 Retail and farm theft; transit fare evasion;  
840 mandatory fine; alternative punishment; detention and arrest;  
841 exemption from liability for false arrest; resisting arrest;  
842 penalties.—



913354

843           (2) Upon a second or subsequent conviction for petit theft  
844 from a merchant, farmer, or transit agency, the offender shall  
845 be punished as provided in s. 812.014(3), except that the court  
846 shall impose a fine of not less than \$50 or more than \$1,000.  
847 However, in lieu of such fine, the court may require the  
848 offender to perform public services designated by the court. In  
849 no event shall any such offender be required to perform fewer  
850 than the number of hours of public service necessary to satisfy  
851 the fine assessed by the court, as provided by this subsection,  
852 at the minimum wage prevailing in the state at the time of  
853 sentencing.

854           Section 29. For the purpose of incorporating the amendment  
855 made by this act to section 812.014, Florida Statutes, in  
856 references thereto, subsections (1) and (2) of section 812.0155,  
857 Florida Statutes, are reenacted to read:

858           812.0155 Suspension of driver license following an  
859 adjudication of guilt for theft.—

860           (1) Except as provided in subsections (2) and (3), the  
861 court may order the suspension of the driver license of each  
862 person adjudicated guilty of any misdemeanor violation of s.  
863 812.014 or s. 812.015, regardless of the value of the property  
864 stolen. Upon ordering the suspension of the driver license of  
865 the person adjudicated guilty, the court shall forward the  
866 driver license of the person adjudicated guilty to the  
867 Department of Highway Safety and Motor Vehicles in accordance  
868 with s. 322.25.

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

871           (b) A second or subsequent suspension of a driver license



913354

872 under this subsection shall be for 1 year.

873 (2) The court may revoke, suspend, or withhold issuance of  
874 a driver license of a person less than 18 years of age who  
875 violates s. 812.014 or s. 812.015 as an alternative to  
876 sentencing the person to:

877 (a) Probation as defined in s. 985.03 or commitment to the  
878 Department of Juvenile Justice, if the person is adjudicated  
879 delinquent for such violation and has not previously been  
880 convicted of or adjudicated delinquent for any criminal offense,  
881 regardless of whether adjudication was withheld.

882 (b) Probation as defined in s. 985.03, commitment to the  
883 Department of Juvenile Justice, probation as defined in chapter  
884 948, community control, or incarceration, if the person is  
885 convicted as an adult of such violation and has not previously  
886 been convicted of or adjudicated delinquent for any criminal  
887 offense, regardless of whether adjudication was withheld.

888 Section 30. For the purpose of incorporating the amendment  
889 made by this act to section 812.014, Florida Statutes, in  
890 references thereto, subsections (4), (7), and (8) of section  
891 812.14, Florida Statutes, are reenacted to read:

892 812.14 Trespass and larceny with relation to utility  
893 fixtures; theft of utility services.—

894 (4) A person who willfully violates paragraph (2)(a),  
895 paragraph (2)(b), or paragraph (2)(c) commits theft, punishable  
896 as provided in s. 812.014.

897 (7) A person who willfully violates subsection (5) commits  
898 a misdemeanor of the first degree, punishable as provided in s.  
899 775.082 or s. 775.083. Prosecution for a violation of subsection  
900 (5) does not preclude prosecution for theft pursuant to



913354

901 subsection (8) or s. 812.014.

902 (8) Theft of utility services for the purpose of  
903 facilitating the manufacture of a controlled substance is theft,  
904 punishable as provided in s. 812.014.

905 Section 31. For the purpose of incorporating the amendment  
906 made by this act to section 812.014, Florida Statutes, in a  
907 reference thereto, subsection (3) of section 893.138, Florida  
908 Statutes, is reenacted to read:

909 893.138 Local administrative action to abate drug-related,  
910 prostitution-related, or stolen-property-related public  
911 nuisances and criminal gang activity.-

912 (3) Any pain-management clinic, as described in s. 458.3265  
913 or s. 459.0137, which has been used on more than two occasions  
914 within a 6-month period as the site of a violation of:

915 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,  
916 relating to assault and battery;

917 (b) Section 810.02, relating to burglary;

918 (c) Section 812.014, relating to theft;

919 (d) Section 812.131, relating to robbery by sudden  
920 snatching; or

921 (e) Section 893.13, relating to the unlawful distribution  
922 of controlled substances,

923  
924 may be declared to be a public nuisance, and such nuisance may  
925 be abated pursuant to the procedures provided in this section.

926 Section 32. This act shall take effect July 1, 2017.

927  
928 ===== T I T L E A M E N D M E N T =====

929 And the title is amended as follows:



913354

930 Delete everything before the enacting clause  
931 and insert:

932 A bill to be entitled  
933 An act relating to decreasing penalties for certain  
934 criminal acts; amending s. 316.1301, F.S.; deleting a  
935 criminal penalty prohibiting a person on a public  
936 street or highway from carrying a white or white  
937 tipped with red cane or walking stick unless the  
938 person is totally or partially blind; amending s.  
939 316.2956, F.S.; decreasing the penalty for a person  
940 who sells or installs sunscreening material in  
941 violation of specified provisions; amending s.  
942 316.646, F.S.; decreasing the penalty for a person who  
943 is required to maintain certain motor vehicle  
944 insurance coverage and who presents proof of insurance  
945 knowing that such insurance is not currently in force;  
946 amending s. 318.14, F.S.; decreasing the penalty for a  
947 person who willfully refuses to accept and to sign a  
948 citation indicating a promise to appear in a hearing;  
949 amending s. 322.03, F.S.; decreasing the penalty for a  
950 resident of this state who operates a commercial motor  
951 vehicle without possessing a commercial driver license  
952 under certain circumstances; amending s. 322.055,  
953 F.S.; decreasing the period for revocation or  
954 suspension of, or delay of eligibility for, driver  
955 licenses or driving privileges for certain persons  
956 convicted of certain drug offenses; deleting  
957 provisions authorizing a driver to petition the  
958 Department of Highway Safety and Motor Vehicles for





913354

959 restoration of his or her driving privilege; amending  
960 s. 562.14, F.S.; decreasing the penalty for selling,  
961 consuming, serving, or allowing to be served in a  
962 place having a license between midnight and 7 a.m. the  
963 next day; amending s. 562.50, F.S.; decreasing the  
964 penalty for selling, giving away, disposing of,  
965 exchanging, or bartering certain beverages or articles  
966 with a habitual drunkard after receiving notice from a  
967 family member about such person's condition; amending  
968 s. 812.014, F.S.; increasing the minimum monetary  
969 value of stolen property for the crime of grand theft  
970 of the third degree; increasing the maximum monetary  
971 value for grand theft of the third degree involving  
972 theft of property from a dwelling or its unenclosed  
973 curtilage; increasing the maximum value for petit  
974 theft of the first degree; revising the list of  
975 offenses that make up grand theft of the third degree;  
976 deleting a criminal penalty for petit theft by an  
977 offender who has two or more prior theft convictions;  
978 amending s. 832.05, F.S.; revising threshold amounts  
979 for offenses involving giving worthless checks,  
980 drafts, and debit card orders; amending s. 832.062,  
981 F.S.; revising the threshold amount for offenses  
982 involving payments to the Department of Revenue;  
983 amending s. 921.0022, F.S.; conforming provisions to  
984 changes made by the act; conforming cross-references;  
985 amending s. 985.565, F.S.; conforming provisions to  
986 changes made by the act; reenacting ss. 318.18(3)(f)  
987 and 318.21(4), F.S., relating to amounts of penalties



913354

988 and disposition of civil penalties by county courts,  
989 respectively, to incorporate the amendment made to s.  
990 316.1301, F.S., in references thereto; reenacting s.  
991 320.02(5)(a), relating to proof of insurance coverage,  
992 to incorporate the amendment made to s. 316.646, F.S.,  
993 in a reference thereto; reenacting ss. 95.18(10),  
994 373.6055(3)(c), 400.9935(3), 409.910(17)(g),  
995 489.126(4), 538.23(2), 550.6305(10), 634.319(2),  
996 634.421(2), 636.238(3), 642.038(2), 705.102(4),  
997 812.015(2), 812.0155(1) and (2), 812.14(4), (7), and  
998 (8), and 893.138(3), F.S., relating to adverse  
999 possession without color of title, criminal history  
1000 checks for certain employees, clinic responsibilities,  
1001 investigating suspected criminal violations or  
1002 fraudulent activity related to theft, moneys received  
1003 by contractors, violations and penalties, theft and  
1004 penal sanctions for theft, reporting and accounting  
1005 for funds, reporting and accounting for funds,  
1006 penalties for specified violations, reporting and  
1007 accounting for funds, reporting lost or abandoned  
1008 property, second or subsequent conviction for petit  
1009 theft, suspension of driver license following an  
1010 adjudication of guilt for theft, theft of utility  
1011 services, and local administrative action to abate a  
1012 stolen-property-related public nuisance, respectively,  
1013 to incorporate the amendment made to s. 812.014, F.S.,  
1014 in references thereto; providing an effective date.