

By Senator Clemens

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1 A bill to be entitled
2 An act relating to decreasing penalties for certain
3 criminal acts; amending s. 316.061, F.S.; decreasing
4 the penalty for a driver of a vehicle involved in a
5 crash resulting only in damage to a vehicle or other
6 property if such driver does not stop; amending s.
7 316.1301, F.S.; deleting a criminal penalty
8 prohibiting a person on a public street or highway
9 from carrying a white or white tipped with red cane or
10 walking stick unless the person is totally or
11 partially blind; amending s. 316.2956, F.S.;
12 decreasing the penalty for a person who sells or
13 installs sunscreening material in violation of
14 specified provisions; amending s. 316.545, F.S.;
15 decreasing the penalties for a person who refuses to
16 submit to the weighing of a vehicle after being
17 required to do so by an officer; amending s. 316.646,
18 F.S.; decreasing the penalty for a person who is
19 required to maintain certain motor vehicle insurance
20 coverage and who presents proof of insurance knowing
21 that such insurance is not currently in force;
22 amending s. 318.14, F.S.; decreasing the penalty for a
23 person who willfully refuses to accept and to sign a
24 citation indicating a promise to appear in a hearing;
25 amending s. 319.33, F.S.; decreasing the penalty for a
26 person who knowingly and with intent to defraud
27 commits specified actions with regard to a certificate
28 of title, registration, bill of sale, or other indicia
29 of ownership of a motor vehicle or mobile home;
30 amending s. 322.03, F.S.; decreasing the penalty for a
31 resident of this state who operates a commercial motor
32 vehicle without possessing a commercial driver license

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33 under certain circumstances; amending s. 322.055,
34 F.S.; restricting, rather than revoking, the driver
35 license or driving privilege of a person to business
36 or employment purposes only, if the person is 18 years
37 of age or older, is convicted of certain drug
38 offenses, and otherwise qualifies for such a license;
39 authorizing such person to petition for the
40 restoration of the license or driving privilege;
41 amending s. 562.111, F.S.; decreasing the penalty for
42 possession of alcoholic beverages by a person under 21
43 years of age; amending s. 562.14, F.S.; decreasing the
44 penalty for selling, consuming, serving, or allowing
45 to be served in a place having a license between
46 midnight and 7 a.m. the next day; amending s. 562.50,
47 F.S.; decreasing the penalty for selling, giving away,
48 disposing of, exchanging, or bartering certain
49 beverages or articles with a habitual drunkard after
50 receiving notice from a family member about such
51 person's condition; amending s. 812.014, F.S.;
52 increasing the minimum monetary value of stolen
53 property for the crime of grand theft of the third
54 degree; revising the list of offenses that make up
55 grand theft of the third degree; decreasing the
56 penalty for stealing property or a stop sign;
57 decreasing the penalty for a third or subsequent
58 offense for petit theft; amending s. 893.13, F.S.;
59 decreasing the penalty for the possession of 20 grams
60 or less of cannabis; amending s. 921.0022, F.S.;
61 conforming provisions to changes made by the act;

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62 conforming cross-references; amending ss. 932.701 and
63 985.557, F.S.; conforming cross-references; reenacting
64 ss. 318.18(3)(f) and 318.21(4), F.S., relating to
65 amounts of penalties and disposition of civil
66 penalties by county courts, respectively, to
67 incorporate the amendment made to s. 316.1301, F.S.,
68 in references thereto; reenacting ss. 316.516(1),
69 316.655(1), 318.17, and 318.18(4), F.S., relating to
70 width, height, and length for inspection; penalties;
71 excepted offenses; and the amount of penalties, to
72 incorporate the amendment made to s. 316.545, F.S., in
73 references thereto; reenacting s. 320.02(5)(a),
74 relating to proof of insurance coverage, to
75 incorporate the amendment made to s. 316.646, F.S., in
76 a reference thereto; reenacting ss. 95.18(10),
77 373.6055(3)(c), 400.9935(3), 409.910(17)(g),
78 489.126(4), 538.23(2), 550.6305(10), 634.319(2),
79 634.421(2), 636.238(3), 642.038(2), 705.102(4),
80 812.015(2), 812.0155(1) and (2), 812.14(4), (7), and
81 (8), and 893.138(3), F.S., relating to adverse
82 possession without color of title, felony theft
83 violations, clinic responsibilities, investigating
84 suspected criminal violations or fraudulent activity
85 related to theft, moneys received by contractors,
86 violations and penalties, theft and penal sanctions
87 for theft, reporting and accounting for funds,
88 reporting and accounting for funds, penalties for
89 specified violations, reporting and accounting for
90 funds, reporting lost or abandoned property, second or

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91 subsequent conviction for petit theft, suspension of
92 driver license following an adjudication of guilt for
93 theft, theft of utility services, and local
94 administrative action to abate a stolen-property-
95 related public nuisance, respectively, to incorporate
96 the amendment made to s. 812.014, F.S., in references
97 thereto; reenacting ss. 397.451(4)(b), 435.07(2),
98 775.084(1)(a), 810.02(3), 831.311(1), 893.15, and
99 921.187(1)(l), F.S., relating to background checks of
100 service provider personnel, exemptions from
101 disqualifications, the definition of the term
102 "habitual felony offender," burglary, prohibited
103 actions for violations of s. 893.13, F.S.,
104 rehabilitation, and additional assessments for certain
105 violations, respectively, to incorporate the amendment
106 made to s. 893.13, F.S., in references thereto;
107 providing an effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Subsection (1) of section 316.061, Florida
112 Statutes, is amended to read:

113 316.061 Crashes involving damage to vehicle or property.—

114 (1) The driver of any vehicle involved in a crash resulting
115 only in damage to a vehicle or other property which is driven or
116 attended by any person shall immediately stop such vehicle at
117 the scene of such crash or as close thereto as possible, and
118 shall forthwith return to, and in every event shall remain at,
119 the scene of the crash until he or she has fulfilled the

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120 requirements of s. 316.062. A person who violates this
121 subsection commits a noncriminal violation ~~misdemeanor of the~~
122 ~~second degree~~, punishable as provided in ~~s. 775.082 or s.~~
123 775.083. Notwithstanding any other provision of this section, \$5
124 shall be added to a fine imposed pursuant to this section, which
125 \$5 shall be deposited in the Emergency Medical Services Trust
126 Fund.

127 Section 2. Present subsection (1) of section 316.1301,
128 Florida Statutes, is amended, and present subsections (2) and
129 (3) of that section are redesignated as subsections (1) and (2),
130 respectively, to read:

131 316.1301 Traffic regulations to assist blind persons.—

132 ~~(1) It is unlawful for any person, unless totally or~~
133 ~~partially blind or otherwise incapacitated, while on any public~~
134 ~~street or highway, to carry in a raised or extended position a~~
135 ~~cane or walking stick which is white in color or white tipped~~
136 ~~with red. A person who is convicted of a violation of this~~
137 ~~subsection is guilty of a misdemeanor of the second degree,~~
138 ~~punishable as provided in s. 775.082 or s. 775.083.~~

139 Section 3. Subsection (3) of section 316.2956, Florida
140 Statutes, is amended to read:

141 316.2956 Violation of provisions relating to windshields,
142 windows, and sunscreening material; penalties.—

143 (3) Any person who sells or installs sunscreening material
144 in violation of any provision of ss. 316.2951-316.2955 commits a
145 noncriminal violation ~~is guilty of a misdemeanor of the second~~
146 ~~degree~~, punishable as provided in ~~s. 775.082 or s.~~ 775.083.

147 Section 4. Subsection (1) of section 316.545, Florida
148 Statutes, is amended to read:

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149 316.545 Weight and load unlawful; special fuel and motor
150 fuel tax enforcement; inspection; penalty; review.—

151 (1) Any officer of the Florida Highway Patrol having reason
152 to believe that the weight of a vehicle and load is unlawful is
153 authorized to require the driver to stop and submit to a
154 weighing of the same by means of either portable or fixed
155 scales. Anyone who refuses to submit to such weighing obstructs
156 an officer pursuant to s. 843.02 and commits a noncriminal
157 violation ~~is guilty of a misdemeanor of the first degree,~~
158 punishable as provided in ~~s. 775.082 or~~ s. 775.083. Anyone who
159 knowingly and willfully resists, obstructs, or opposes a weight
160 and safety officer while refusing to submit to such weighing by
161 resisting the officer with violence to the officer's person
162 pursuant to s. 843.01 commits a misdemeanor of the second degree
163 ~~is guilty of a felony of the third degree,~~ punishable as
164 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

165 Section 5. Subsection (1) of section 316.646, Florida
166 Statutes, is republished, and subsection (4) of that section is
167 amended, to read:

168 316.646 Security required; proof of security and display
169 thereof.—

170 (1) Any person required by s. 324.022 to maintain property
171 damage liability security, required by s. 324.023 to maintain
172 liability security for bodily injury or death, or required by s.
173 627.733 to maintain personal injury protection security on a
174 motor vehicle shall have in his or her immediate possession at
175 all times while operating such motor vehicle proper proof of
176 maintenance of the required security.

177 (a) Such proof shall be in a uniform paper or electronic

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178 format, as prescribed by the department, a valid insurance
179 policy, an insurance policy binder, a certificate of insurance,
180 or such other proof as may be prescribed by the department.

181 (b)1. The act of presenting to a law enforcement officer an
182 electronic device displaying proof of insurance in an electronic
183 format does not constitute consent for the officer to access any
184 information on the device other than the displayed proof of
185 insurance.

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

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

193 Section 6. Subsection (2) of section 318.14, Florida
194 Statutes, is republished, and subsection (3) of that section is
195 amended, to read:

196 318.14 Noncriminal traffic infractions; exception;
197 procedures.—

198 (2) Except as provided in ss. 316.1001(2) and 316.0083, any
199 person cited for a violation requiring a mandatory hearing
200 listed in s. 318.19 or any other criminal traffic violation
201 listed in chapter 316 must sign and accept a citation indicating
202 a promise to appear. The officer may indicate on the traffic
203 citation the time and location of the scheduled hearing and must
204 indicate the applicable civil penalty established in s. 318.18.
205 For all other infractions under this section, except for
206 infractions under s. 316.1001, the officer must certify by

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207 electronic, electronic facsimile, or written signature that the
208 citation was delivered to the person cited. This certification
209 is prima facie evidence that the person cited was served with
210 the citation.

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

215 Section 7. Subsections (4), (5), and (6) of section 319.33,
216 Florida Statutes, are reordered and amended to read:

217 319.33 Offenses involving vehicle identification numbers,
218 applications, certificates, papers; penalty.—

219 (6)~~(4)~~ It is unlawful for any person knowingly and with
220 intent to defraud to have in his or her possession, sell, offer
221 to sell, counterfeit, or supply a blank, forged, fictitious,
222 counterfeit, stolen, or fraudulently or unlawfully obtained
223 certificate of title, registration, bill of sale, or other
224 indicia of ownership of a motor vehicle or mobile home or to
225 conspire to do any of the foregoing. Any person who violates
226 this subsection commits a misdemeanor of the second degree,
227 punishable as provided in s. 775.082 or s. 775.083.

228 (4)~~(5)~~ It is unlawful for any person, firm, or corporation
229 to knowingly possess, manufacture, sell or exchange, offer to
230 sell or exchange, supply in blank, or give away any counterfeit
231 manufacturer's or state-assigned identification number plates or
232 serial plates or any decal used for the purpose of
233 identification of any motor vehicle; or for any officer, agent,
234 or employee of any person, firm, or corporation, or any person
235 who shall authorize, direct, aid in exchange, or give away such

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236 counterfeit manufacturer's or state-assigned identification
 237 number plates or serial plates or any decal; or conspire to do
 238 any of the foregoing. However, nothing in this subsection shall
 239 be applicable to any approved replacement manufacturer's or
 240 state-assigned identification number plates or serial plates or
 241 any decal issued by the department or any state.

242 (5)~~(6)~~ Any person who violates subsection (1), subsection
 243 (2), subsection (3), or subsection (4) commits any provision of
 244 ~~this section is guilty of~~ a felony of the third degree,
 245 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 246 Any motor vehicle used in violation of this section shall
 247 constitute contraband that ~~which~~ may be seized by a law
 248 enforcement agency and shall be subject to forfeiture
 249 proceedings pursuant to ss. 932.701-932.704. This section is not
 250 exclusive of any other penalties prescribed by any existing or
 251 future laws for the larceny or unauthorized taking of motor
 252 vehicles or mobile homes, but is supplementary thereto.

253 Section 8. Subsection (3) of section 322.03, Florida
 254 Statutes, is amended to read:

255 322.03 Drivers must be licensed; penalties.—

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

258 (b) A resident of this state who is required by the laws of
 259 this state to possess a commercial driver license may not
 260 operate a commercial motor vehicle in this state unless he or
 261 she possesses a valid commercial driver license issued by this
 262 state. Except as provided in paragraph (c), any person who
 263 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
 264 the second ~~first~~ degree, punishable as provided in s. 775.082 or

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265 s. 775.083.

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

270 Section 9. Subsection (1) of section 322.055, Florida
271 Statutes, is amended to read:

272 322.055 Revocation or suspension of, or delay of
273 eligibility for, driver license for persons 18 years of age or
274 older convicted of certain drug offenses.-

275 (1) Notwithstanding s. 322.28, upon the conviction of a
276 person 18 years of age or older for possession or sale of,
277 trafficking in, or conspiracy to possess, sell, or traffic in a
278 controlled substance, the court shall direct the department to
279 restrict ~~revoke~~ the person's driver license or driving privilege
280 to business or employment purposes only, as defined in s.
281 322.271, if the person otherwise qualifies for such a license ~~of~~
282 ~~the person~~. The period of such restriction ~~revocation~~ shall be 1
283 year or until the person is evaluated for and, if deemed
284 necessary by the evaluating agency, completes a drug treatment
285 and rehabilitation program approved or regulated by the
286 Department of Children and Families. ~~However, the court may, in~~
287 ~~its sound discretion, direct the department to issue a license~~
288 ~~for driving privilege restricted to business or employment~~
289 ~~purposes only, as defined by s. 322.271, if the person is~~
290 ~~otherwise qualified for such a license~~. A driver whose license
291 or driving privilege has been suspended, restricted to business
292 or employment purposes only, or revoked under this section or s.
293 322.056 may, upon the expiration of 6 months, petition the

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294 department for restoration of the driving privilege on a
295 restricted or unrestricted basis depending on length of
296 suspension or revocation. In no case shall a restricted license
297 be available until 6 months of the suspension or revocation
298 period has expired.

299 Section 10. Subsection (1) of section 562.111, Florida
300 Statutes, is amended, and subsection (3) of that section is
301 republished, to read:

302 562.111 Possession of alcoholic beverages by persons under
303 age 21 prohibited.—

304 (1) It is unlawful for any person under the age of 21
305 years, except a person employed under ~~the provisions of s.~~
306 562.13 acting in the scope of her or his employment, to have in
307 her or his possession alcoholic beverages, except that nothing
308 contained in this subsection shall preclude the employment of
309 any person 18 years of age or older in the sale, preparation, or
310 service of alcoholic beverages in licensed premises in any
311 establishment licensed by the Division of Alcoholic Beverages
312 and Tobacco or the Division of Hotels and Restaurants.
313 Notwithstanding ~~the provisions of s. 562.45,~~ any person under
314 the age of 21 who is convicted of a violation of this subsection
315 commits a noncriminal violation is guilty of a misdemeanor of
316 the second degree, punishable as provided in ~~s. 775.082 or s.~~
317 775.083 or by a term of community service determined by a judge,
318 or both; however, any person under the age of 21 who has been
319 convicted of a violation of this subsection and who is
320 thereafter convicted of a further violation of this subsection
321 is, upon conviction of the further offense, guilty of a
322 misdemeanor of the first degree, punishable as provided in s.

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323 775.082 or s. 775.083.

324 (3) In addition to any other penalty imposed for a
325 violation of subsection (1), the court shall direct the
326 Department of Highway Safety and Motor Vehicles to withhold
327 issuance of, or suspend or revoke, the violator's driver license
328 or driving privilege, as provided in s. 322.056.

329 Section 11. Section 562.14, Florida Statutes, is amended to
330 read:

331 562.14 Regulating the time for sale of alcoholic and
332 intoxicating beverages; prohibiting use of licensed premises.—

333 (1) Except as otherwise provided by county or municipal
334 ordinance, ~~no~~ alcoholic beverages may not be sold, consumed,
335 served, or permitted to be served or consumed in any place
336 holding a license under the division between the hours of
337 midnight and 7 a.m. of the following day. This section does
338 ~~shall~~ not apply to railroads selling only to passengers for
339 consumption on railroad cars. A person who violates this
340 subsection commits a noncriminal violation, punishable as
341 provided in s. 775.083.

342 (2) Except as otherwise provided by county or municipal
343 ordinance, a ~~no~~ vendor issued an alcoholic beverage license to
344 sell alcoholic beverages for consumption on the vendor's
345 licensed premises and whose principal business is the sale of
346 alcoholic beverages may not, ~~shall~~ allow the licensed premises,
347 as defined in s. 561.01(11), to be rented, leased, or otherwise
348 used during the hours in which the sale of alcoholic beverages
349 is prohibited. However, this prohibition does ~~shall~~ not apply to
350 the rental, lease, or other use of the licensed premises on
351 Sundays after 8 a.m. Further, neither this subsection, nor any

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352 local ordinance adopted pursuant to this subsection, shall be
353 construed to apply to a theme park complex as defined in s.
354 565.02(6) or an entertainment/resort complex as defined in s.
355 561.01(18). A person who violates this subsection commits a
356 misdemeanor of the second degree, punishable as provided in s.
357 775.082 or s. 775.083.

358 (3) The division is not ~~shall not be~~ responsible for the
359 enforcement of the hours of sale established by county or
360 municipal ordinance.

361 ~~(4) Any person violating this section shall be guilty of a~~
362 ~~misdemeanor of the second degree, punishable as provided in s.~~
363 ~~775.082 or s. 775.083.~~

364 Section 12. Section 562.50, Florida Statutes, is amended to
365 read:

366 562.50 Habitual drunkards; furnishing intoxicants to, after
367 notice.—Any person who shall sell, give away, dispose of,
368 exchange, or barter any alcoholic beverage, or any essence,
369 extract, bitters, preparation, compound, composition, or any
370 article whatsoever under any name, label, or brand, which
371 produces intoxication, to any person habitually addicted to the
372 use of any or all such intoxicating liquors, after having been
373 given written notice by wife, husband, father, mother, sister,
374 brother, child, or nearest relative that said person so addicted
375 is an habitual drunkard and that the use of intoxicating drink
376 or drinks is working an injury to the person using said liquors,
377 or to the person giving said written notice, commits a
378 noncriminal violation ~~shall be guilty of a misdemeanor of the~~
379 ~~second degree, punishable as provided in s. 775.082 or s.~~
380 775.083.

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381 Section 13. Paragraph (c) of subsection (2) and paragraph
 382 (c) of subsection (3) of section 812.014, Florida Statutes, are
 383 amended to read:

384 812.014 Theft.—

385 (2)

386 (c)1. It is grand theft of the third degree and a felony of
 387 the third degree, punishable as provided in s. 775.082, s.
 388 775.083, or s. 775.084, if the property stolen is:

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

390 ~~b.2.~~ Valued at \$5,000 or more, but less than \$10,000.

391 ~~c.3.~~ Valued at \$10,000 or more, but less than \$20,000.

392 ~~4. A will, codicil, or other testamentary instrument.~~

393 ~~d.5.~~ A firearm.

394 ~~e.6.~~ A motor vehicle, except as provided in paragraph (a).

395 ~~7. Any commercially farmed animal, including any animal of~~
 396 ~~the equine, bovine, or swine class or other grazing animal; a~~
 397 ~~bee colony of a registered beekeeper; and aquaculture species~~
 398 ~~raised at a certified aquaculture facility. If the property~~
 399 ~~stolen is aquaculture species raised at a certified aquaculture~~
 400 ~~facility, then a \$10,000 fine shall be imposed.~~

401 ~~8. Any fire extinguisher.~~

402 ~~f.9.~~ Any amount of citrus fruit consisting of 2,000 or more
 403 individual pieces of fruit.

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

406 ~~11. Any stop sign.~~

407 ~~h.12.~~ Anhydrous ammonia.

408 ~~i.13.~~ Any amount of a controlled substance as defined in s.
 409 893.02. Notwithstanding any other law, separate judgments and

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410 sentences for theft of a controlled substance under this sub-
411 subparagraph ~~subparagraph~~ and for any applicable possession of
412 controlled substance offense under s. 893.13 or trafficking in
413 controlled substance offense under s. 893.135 may be imposed
414 when all such offenses involve the same amount or amounts of a
415 controlled substance.

416

417 However, if the property is stolen within a county that is
418 subject to a state of emergency declared by the Governor under
419 chapter 252, the property is stolen after the declaration of
420 emergency is made, and the perpetration of the theft is
421 facilitated by conditions arising from the emergency, the
422 offender commits a felony of the second degree, punishable as
423 provided in s. 775.082, s. 775.083, or s. 775.084, if the
424 property is valued at \$5,000 or more, but less than \$10,000, as
425 provided under subparagraph 2., or if the property is valued at
426 \$10,000 or more, but less than \$20,000, as provided under
427 subparagraph 3. As used in this paragraph, the term "conditions
428 arising from the emergency" means civil unrest, power outages,
429 curfews, voluntary or mandatory evacuations, or a reduction in
430 the presence of or the response time for first responders or
431 homeland security personnel. For purposes of sentencing under
432 chapter 921, a felony offense that is reclassified under this
433 paragraph is ranked one level above the ranking under s.
434 921.0022 or s. 921.0023 of the offense committed.

435 2. A person who steals a commercially farmed animal,
436 including an animal of the equine, bovine, or swine class or
437 other grazing animal; a bee colony of a registered beekeeper; or
438 an aquaculture species raised at a certified aquaculture

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439 facility commits a misdemeanor of the second degree, punishable
440 as provided in s. 775.082 or s. 775.083. If the property stolen
441 is an aquaculture species raised at a certified aquaculture
442 facility, a \$10,000 fine shall be imposed.

443 3. A person who steals a stop sign commits a noncriminal
444 violation, punishable by a \$500 fine.

445 (3)

446 (c) A person who commits petit theft and who has previously
447 been convicted two or more times of any theft commits a
448 misdemeanor of the second ~~felony of the third~~ degree, punishable
449 as provided in s. 775.082 or s. 775.083.

450 Section 14. Paragraph (b) of subsection (6) of section
451 893.13, Florida Statutes, is amended to read:

452 893.13 Prohibited acts; penalties.—

453 (6)

454 (b) If the offense is the possession of 20 grams or less of
455 cannabis, as defined in this chapter, the person commits a
456 noncriminal violation ~~misdemeanor of the first degree,~~
457 punishable as provided in ~~s. 775.082 or~~ s. 775.083 or by a term
458 of community service determined by a judge, or both. As used in
459 this subsection, the term "cannabis" does not include the resin
460 extracted from the plants of the genus *Cannabis*, or any compound
461 manufacture, salt, derivative, mixture, or preparation of such
462 resin.

463 Section 15. Paragraphs (a) through (d) of subsection (3) of
464 section 921.0022, Florida Statutes, are amended to read:

465 921.0022 Criminal Punishment Code; offense severity ranking
466 chart.—

467 (3) OFFENSE SEVERITY RANKING CHART

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468	(a) LEVEL 1		
469			
	Florida	Felony	
	Statute	Degree	Description
470			
	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
471			
	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
472			
	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
473			
	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
474			
	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
475			
	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
476			
	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license

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plates or validation
stickers.

477

322.212
(1) (a) - (c)

3rd

Possession of forged,
stolen, counterfeit, or
unlawfully issued driver
license; possession of
simulated identification.

478

322.212 (4)

3rd

Supply or aid in supplying
unauthorized driver license
or identification card.

479

322.212 (5) (a)

3rd

False application for driver
license or identification
card.

480

414.39 (3) (a)

3rd

Fraudulent misappropriation
of public assistance funds
by employee/official, value
more than \$200.

481

443.071 (1)

3rd

False statement or
representation to obtain or
increase reemployment
assistance benefits.

482

509.151 (1)

3rd

Defraud an innkeeper, food
or lodging value greater

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than \$300.

483

517.302 (1)

3rd

Violation of the Florida Securities and Investor Protection Act.

484

562.27 (1)

3rd

Possess still or still apparatus.

485

713.69

3rd

Tenant removes property upon which lien has accrued, value more than \$50.

486

~~812.014 (3) (c)~~

3rd

~~Petit theft (3rd conviction); theft of any property not specified in subsection (2).~~

487

812.081 (2)

3rd

Unlawfully makes or causes to be made a reproduction of a trade secret.

488

815.04 (5) (a)

3rd

Offense against intellectual property (i.e., computer programs, data).

489

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

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490

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

491

826.01 3rd Bigamy.

492

828.122 (3) 3rd Fighting or baiting animals.

493

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

494

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

495

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

496

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

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497	838.15 (2)	3rd	Commercial bribe receiving.
498	838.16	3rd	Commercial bribery.
499	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
500	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
501	849.01	3rd	Keeping gambling house.
502	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.
503	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
504	849.25 (2)	3rd	Engaging in bookmaking.
505	860.08	3rd	Interfere with a railroad signal.

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506

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

507

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

508

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

509

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

510

(b) LEVEL 2

511

512

Florida Statute	Felony Degree	Description
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513

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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514

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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515

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.

516

517.07(2)

3rd

Failure to furnish a prospectus meeting requirements.

517

590.28(1)

3rd

Intentional burning of lands.

518

784.05(3)

3rd

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

519

787.04(1)

3rd

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

520

806.13(1)(b)3.

3rd

Criminal mischief; damage \$1,000 or more to

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public communication or
any other public
service.

521

810.061 (2)

3rd

Impairing or impeding
telephone or power to a
dwelling; facilitating
or furthering burglary.

522

810.09 (2) (e)

3rd

Trespassing on posted
commercial horticulture
property.

523

812.014
(2) (c) 1.a.

3rd

Grand theft, 3rd degree;
\$1,000 ~~\$300~~ or more but
less than \$5,000.

~~812.014 (2) (c) 1.~~

524

812.014 (2) (d)

3rd

Grand theft, 3rd degree;
\$100 or more but less
than \$300, taken from
unenclosed curtilage of
dwelling.

525

812.015 (7)

3rd

Possession, use, or
attempted use of an
antishoplifting or
inventory control device
countermeasure.

526

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527	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
528	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
529	817.52 (3)	3rd	Failure to redeliver hired vehicle.
530	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
531	817.60 (5)	3rd	Dealing in credit cards of another.
532	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
533	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.

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534	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
535	831.01	3rd	Forgery.
536	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
537	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
538	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
539	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
540	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
	832.05 (3) (a)	3rd	Cashing or depositing

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item with intent to
defraud.

541

843.08

3rd

False personation.

542

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.

543

893.147 (2)

3rd

Manufacture or delivery
of drug paraphernalia.

544

(c) LEVEL 3

545

546

Florida
Statute

Felony
Degree

Description

547

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

548

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

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549

316.193(2)(b) 3rd Felony DUI, 3rd conviction.

550

316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

551

319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

552

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

553

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

554

~~319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.~~

555

327.35(2)(b) 3rd Felony BUI.

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556

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

557

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

558

376.302 (5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

559

379.2431 3rd Taking, disturbing, (1) (e) 5. 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.

560

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379.2431 3rd Soliciting to commit or
 (1) (e) 6. conspiring to commit a
 violation of the Marine
 Turtle Protection Act.

561 400.9935 (4) (a) 3rd Operating a clinic, or
 or (b) offering services requiring
 licensure, without a
 license.

562 400.9935 (4) (e) 3rd Filing a false license
 application or other
 required information or
 failing to report
 information.

563 440.1051 (3) 3rd False report of workers'
 compensation fraud or
 retaliation for making such
 a report.

564 501.001 (2) (b) 2nd Tamper with a consumer
 product or the container
 using materially
 false/misleading
 information.

565 624.401 (4) (a) 3rd Transacting insurance
 without a certificate of

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authority.

566

624.401 (4) (b) 1.

3rd

Transacting insurance without a certificate of authority; premium collected less than \$20,000.

567

626.902 (1) (a) & (b)

3rd

Representing an unauthorized insurer.

568

697.08

3rd

Equity skimming.

569

790.15 (3)

3rd

Person directs another to discharge firearm from a vehicle.

570

806.10 (1)

3rd

Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

571

806.10 (2)

3rd

Interferes with or assaults firefighter in performance of duty.

572

810.09 (2) (c)

3rd

Trespass on property other than structure or conveyance armed with

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firearm or dangerous
weapon.

573

812.014

3rd

Grand theft; \$5,000 or more
but less than \$10,000.

(2) (c) 1.b.

~~812.014 (2) (e) 2.~~

574

812.0145 (2) (c)

3rd

Theft from person 65 years
of age or older; \$300 or
more but less than \$10,000.

575

815.04 (5) (b)

2nd

Computer offense devised to
defraud or obtain property.

576

817.034 (4) (a) 3.

3rd

Engages in scheme to
defraud (Florida
Communications Fraud Act),
property valued at less
than \$20,000.

577

817.233

3rd

Burning to defraud insurer.

578

817.234

3rd

Unlawful solicitation of
persons involved in motor
vehicle accidents.

(8) (b) & (c)

579

817.234 (11) (a)

3rd

Insurance fraud; property
value less than \$20,000.

580

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581	817.236	3rd	Filing a false motor vehicle insurance application.
582	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
583	817.413 (2)	3rd	Sale of used goods as new.
584	817.505 (4)	3rd	Patient brokering.
585	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
586	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
587	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.

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588	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
589	843.19	3rd	Injure, disable, or kill police dog or horse.
590	860.15 (3)	3rd	Overcharging for repairs and parts.
591	870.01 (2)	3rd	Riot; inciting or encouraging.
592	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).
592	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.

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593

893.13 (1) (f) 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 public housing facility.

594

893.13 (4) (c) 3rd Use or hire of minor;
 deliver to minor other
 controlled substances.

595

893.13 (6) (a) 3rd Possession of any
 controlled substance other
 than felony possession of
 cannabis.

596

893.13 (7) (a) 8. 3rd Withhold information from
 practitioner regarding
 previous receipt of or
 prescription for a
 controlled substance.

597

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain
 controlled substance by
 fraud, forgery,
 misrepresentation, etc.

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598

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

599

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

600

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.

601

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.

602

893.13(8)(a)3. 3rd Knowingly write a prescription for a

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controlled substance for a fictitious person.

603
604
605
606
607
608
609
610

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.

918.13(1)(a)

3rd

Alter, destroy, or conceal investigation evidence.

944.47
(1)(a)1. & 2.

3rd

Introduce contraband to correctional facility.

944.47(1)(c)

2nd

Possess contraband while upon the grounds of a correctional institution.

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

(d) LEVEL 4

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	Florida Statute	Felony Degree	Description
611	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.
612	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
613	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
614	517.07 (1)	3rd	Failure to register securities.
615	517.12 (1)	3rd	Failure of dealer, associated person, or

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issuer of securities to register.

616

784.07 (2) (b)

3rd

Battery of law enforcement officer, firefighter, etc.

617

784.074 (1) (c)

3rd

Battery of sexually violent predators facility staff.

618

784.075

3rd

Battery on detention or commitment facility staff.

619

784.078

3rd

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

620

784.08 (2) (c)

3rd

Battery on a person 65 years of age or older.

621

784.081 (3)

3rd

Battery on specified official or employee.

622

784.082 (3)

3rd

Battery by detained person on visitor or

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other detainee.

623

784.083 (3)

3rd

Battery on code
inspector.

624

784.085

3rd

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

625

787.03 (1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

626

787.04 (2)

3rd

Take, entice, or remove
child beyond state
limits with criminal
intent pending custody
proceedings.

627

787.04 (3)

3rd

Carrying child beyond
state lines with
criminal intent to avoid
producing child at
custody hearing or
delivering to designated
person.

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628

787.07 3rd Human smuggling.

629

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

630

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

631

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

632

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

633

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

634

810.02 (4) (b) 3rd Burglary, or attempted
burglary, of an
unoccupied conveyance;

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unarmed; no assault or battery.

635

810.06

3rd

Burglary; possession of tools.

636

810.08 (2) (c)

3rd

Trespass on property, armed with firearm or dangerous weapon.

637

812.014

3rd

Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

(2) (c) 1.c.

~~812.014 (2) (e) 3.~~

638

812.014

3rd

Grand theft, 3rd degree, ~~a will,~~ firearm, motor vehicle, citrus fruit, construction site property livestock, etc.

(2) (c) 1.d.-g.

~~812.014~~

~~(2) (e) 4.-10.~~

639

812.0195 (2)

3rd

Dealing in stolen property by use of the Internet; property stolen \$300 or more.

640

817.563 (1)

3rd

Sell or deliver substance other than controlled substance agreed upon, excluding

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s. 893.03(5) drugs.

641

817.568 (2) (a)

3rd

Fraudulent use of
personal identification
information.

642

817.625 (2) (a)

3rd

Fraudulent use of
scanning device or
reencoder.

643

828.125 (1)

2nd

Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

644

837.02 (1)

3rd

Perjury in official
proceedings.

645

837.021 (1)

3rd

Make contradictory
statements in official
proceedings.

646

838.022

3rd

Official misconduct.

647

839.13 (2) (a)

3rd

Falsifying records of an
individual in the care
and custody of a state

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agency.

648

839.13 (2) (c)

3rd

Falsifying records of the Department of Children and Families.

649

843.021

3rd

Possession of a concealed handcuff key by a person in custody.

650

843.025

3rd

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

651

843.15 (1) (a)

3rd

Failure to appear while on bail for felony (bond estreature or bond jumping).

652

847.0135 (5) (c)

3rd

Lewd or lascivious exhibition using computer; offender less than 18 years.

653

874.05 (1) (a)

3rd

Encouraging or recruiting another to

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join a criminal gang.

654

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).

655

914.14 (2)

3rd

Witnesses accepting bribes.

656

914.22 (1)

3rd

Force, threaten, etc., witness, victim, or informant.

657

914.23 (2)

3rd

Retaliation against a witness, victim, or informant, no bodily injury.

658

918.12

3rd

Tampering with jurors.

659

934.215

3rd

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

660

661 Section 16. Paragraph (a) of subsection (2) of section
 662 932.701, Florida Statutes, is amended to read:

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663 932.701 Short title; definitions.—

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

665 (a) "Contraband article" means:

666 1. Any controlled substance as defined in chapter 893 or
667 any substance, device, paraphernalia, or currency or other means
668 of exchange that was used, was attempted to be used, or was
669 intended to be used in violation of any provision of chapter
670 893, if the totality of the facts presented by the state is
671 clearly sufficient to meet the state's burden of establishing
672 probable cause to believe that a nexus exists between the
673 article seized and the narcotics activity, whether or not the
674 use of the contraband article can be traced to a specific
675 narcotics transaction.

676 2. Any gambling paraphernalia, lottery tickets, money,
677 currency, or other means of exchange which was used, was
678 attempted, or intended to be used in violation of the gambling
679 laws of the state.

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

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

685 5. Any personal property, including, but not limited to,
686 any vessel, aircraft, item, object, tool, substance, device,
687 weapon, machine, vehicle of any kind, money, securities, books,
688 records, research, negotiable instruments, or currency, which
689 was used or was attempted to be used as an instrumentality in
690 the commission of, or in aiding or abetting in the commission
691 of, any felony, whether or not comprising an element of the

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692 felony, or which is acquired by proceeds obtained as a result of
693 a violation of the Florida Contraband Forfeiture Act.

694 6. Any real property, including any right, title,
695 leasehold, or other interest in the whole of any lot or tract of
696 land, which was used, is being used, or was attempted to be used
697 as an instrumentality in the commission of, or in aiding or
698 abetting in the commission of, any felony, or which is acquired
699 by proceeds obtained as a result of a violation of the Florida
700 Contraband Forfeiture Act.

701 7. Any personal property, including, but not limited to,
702 equipment, money, securities, books, records, research,
703 negotiable instruments, currency, or any vessel, aircraft, item,
704 object, tool, substance, device, weapon, machine, or vehicle of
705 any kind in the possession of or belonging to any person who
706 takes aquaculture products in violation of s. 812.014(2)(c)2. ~~s.~~
707 ~~812.014(2)(c).~~

708 8. Any motor vehicle offered for sale in violation of s.
709 320.28.

710 9. Any motor vehicle used during the course of committing
711 an offense in violation of s. 322.34(9)(a).

712 10. Any photograph, film, or other recorded image,
713 including an image recorded on videotape, a compact disc,
714 digital tape, or fixed disk, that is recorded in violation of s.
715 810.145 and is possessed for the purpose of amusement,
716 entertainment, sexual arousal, gratification, or profit, or for
717 the purpose of degrading or abusing another person.

718 11. Any real property, including any right, title,
719 leasehold, or other interest in the whole of any lot or tract of
720 land, which is acquired by proceeds obtained as a result of

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721 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
 722 property, including, but not limited to, equipment, money,
 723 securities, books, records, research, negotiable instruments, or
 724 currency; or any vessel, aircraft, item, object, tool,
 725 substance, device, weapon, machine, or vehicle of any kind in
 726 the possession of or belonging to any person which is acquired
 727 by proceeds obtained as a result of Medicaid fraud under s.
 728 409.920 or s. 409.9201.

729 12. Any personal property, including, but not limited to,
 730 any vehicle, item, object, tool, device, weapon, machine, money,
 731 security, book, or record, that is used or attempted to be used
 732 as an instrumentality in the commission of, or in aiding and
 733 abetting in the commission of, a person's third or subsequent
 734 violation of s. 509.144, whether or not comprising an element of
 735 the offense.

736 Section 17. Paragraph (a) of subsection (1) and paragraph
 737 (c) of subsection (2) of section 985.557, Florida Statutes, are
 738 amended to read:

739 985.557 Direct filing of an information; discretionary and
 740 mandatory criteria.—

741 (1) DISCRETIONARY DIRECT FILE.—

742 (a) With respect to any child who was 14 or 15 years of age
 743 at the time the alleged offense was committed, the state
 744 attorney may file an information when in the state attorney's
 745 judgment and discretion the public interest requires that adult
 746 sanctions be considered or imposed and when the offense charged
 747 is for the commission of, attempt to commit, or conspiracy to
 748 commit:

749 1. Arson;

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- 750 2. Sexual battery;
- 751 3. Robbery;
- 752 4. Kidnapping;
- 753 5. Aggravated child abuse;
- 754 6. Aggravated assault;
- 755 7. Aggravated stalking;
- 756 8. Murder;
- 757 9. Manslaughter;
- 758 10. Unlawful throwing, placing, or discharging of a
759 destructive device or bomb;
- 760 11. Armed burglary in violation of s. 810.02(2)(b) or
761 specified burglary of a dwelling or structure in violation of s.
762 810.02(2)(c), or burglary with an assault or battery in
763 violation of s. 810.02(2)(a);
- 764 12. Aggravated battery;
- 765 13. Any lewd or lascivious offense committed upon or in the
766 presence of a person less than 16 years of age;
- 767 14. Carrying, displaying, using, threatening, or attempting
768 to use a weapon or firearm during the commission of a felony;
- 769 15. Grand theft in violation of s. 812.014(2)(a);
- 770 16. Possessing or discharging any weapon or firearm on
771 school property in violation of s. 790.115;
- 772 17. Home invasion robbery;
- 773 18. Carjacking; or
- 774 19. Grand theft of a motor vehicle in violation of s.
775 812.014(2)(c)1.e. ~~s. 812.014(2)(e)6.~~ or grand theft of a motor
776 vehicle valued at \$20,000 or more in violation of s.
777 812.014(2)(b) if the child has a previous adjudication for grand
778 theft of a motor vehicle in violation of s. 812.014(2)(c)1.e. ~~s.~~

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779 ~~812.014(2)(e)6.~~ or s. 812.014(2)(b).

780 (2) MANDATORY DIRECT FILE.—

781 (c) The state attorney must file an information if a child,
782 regardless of the child's age at the time the alleged offense
783 was committed, is alleged to have committed an act that would be
784 a violation of law if the child were an adult, that involves
785 stealing a motor vehicle, including, but not limited to, a
786 violation of s. 812.133, relating to carjacking, or s.
787 812.014(2)(c)1.e. ~~s. 812.014(2)(e)6.~~, relating to grand theft of
788 a motor vehicle, and while the child was in possession of the
789 stolen motor vehicle the child caused serious bodily injury to
790 or the death of a person who was not involved in the underlying
791 offense. For purposes of this section, the driver and all
792 willing passengers in the stolen motor vehicle at the time such
793 serious bodily injury or death is inflicted shall also be
794 subject to mandatory transfer to adult court. "Stolen motor
795 vehicle," for the purposes of this section, means a motor
796 vehicle that has been the subject of any criminal wrongful
797 taking. For purposes of this section, "willing passengers" means
798 all willing passengers who have participated in the underlying
799 offense.

800 Section 18. For the purpose of incorporating the amendment
801 made by this act to section 316.1301, Florida Statutes, in a
802 reference thereto, paragraph (f) of subsection (3) of section
803 318.18, Florida Statutes, is reenacted to read:

804 318.18 Amount of penalties.—The penalties required for a
805 noncriminal disposition pursuant to s. 318.14 or a criminal
806 offense listed in s. 318.17 are as follows:

807 (3)

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

812 Section 19. For the purpose of incorporating the amendment
813 made by this act to section 316.1301, Florida Statutes, in a
814 reference thereto, subsection (4) of section 318.21, Florida
815 Statutes, is reenacted to read:

816 318.21 Disposition of civil penalties by county courts.—All
817 civil penalties received by a county court pursuant to the
818 provisions of this chapter shall be distributed and paid monthly
819 as follows:

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

826 Section 20. For the purpose of incorporating the amendment
827 made by this act to section 316.545, Florida Statutes, in a
828 reference thereto, subsection (1) of section 316.516, Florida
829 Statutes, is reenacted to read:

830 316.516 Width, height, and length; inspection; penalties.—

831 (1) Any law enforcement officer, as prescribed in s.
832 316.640, or any weight inspector of the Department of
833 Transportation, as prescribed in s. 316.545(1), who has reason
834 to believe that the width, height, or length of a vehicle or
835 combination of vehicles and the load thereon is not in
836 conformance with s. 316.515 is authorized to require the driver

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837 to stop and submit such vehicle and load to measurement of its
838 width, height, or length.

839 Section 21. For the purpose of incorporating the amendment
840 made by this act to section 316.545, Florida Statutes, in a
841 reference thereto, subsection (1) of section 316.655, Florida
842 Statutes, is reenacted to read:

843 316.655 Penalties.—

844 (1) A violation of any of the provisions of this chapter,
845 except those violations with a specific criminal charge, as
846 enumerated in s. 318.17, are infractions, as defined in s.
847 318.13(3). Except for violations of s. 316.302, infractions of
848 this chapter are punishable as provided in chapter 318. Any
849 person convicted of a violation of or otherwise found to be in
850 violation of s. 316.063, s. 316.3025, s. 316.516, s. 316.545, or
851 s. 316.550 shall be punished as specifically provided in that
852 section.

853 Section 22. For the purpose of incorporating the amendment
854 made by this act to section 316.545, Florida Statutes, in a
855 reference thereto, section 318.17, Florida Statutes, is
856 reenacted to read:

857 318.17 Offenses excepted.—No provision of this chapter is
858 available to a person who is charged with any of the following
859 offenses:

860 (1) Fleeing or attempting to elude a police officer, in
861 violation of s. 316.1935;

862 (2) Leaving the scene of a crash, in violation of ss.
863 316.027 and 316.061;

864 (3) Driving, or being in actual physical control of, any
865 vehicle while under the influence of alcoholic beverages, any

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866 chemical substance set forth in s. 877.111, or any substance
867 controlled under chapter 893, in violation of s. 316.193, or
868 driving with an unlawful blood-alcohol level;

869 (4) Reckless driving, in violation of s. 316.192;

870 (5) Making false crash reports, in violation of s. 316.067;

871 (6) Willfully failing or refusing to comply with any lawful
872 order or direction of any police officer or member of the fire
873 department, in violation of s. 316.072(3);

874 (7) Obstructing an officer, in violation of s. 316.545(1);

875 or

876 (8) Any other offense in chapter 316 which is classified as
877 a criminal violation.

878 Section 23. For the purpose of incorporating the amendment
879 made by this act to section 316.545, Florida Statutes, in a
880 reference thereto, subsection (4) of section 318.18, Florida
881 Statutes, is reenacted to read:

882 318.18 Amount of penalties.—The penalties required for a
883 noncriminal disposition pursuant to s. 318.14 or a criminal
884 offense listed in s. 318.17 are as follows:

885 (4) The penalty imposed under s. 316.545 shall be
886 determined by the officer in accordance with the provisions of
887 ss. 316.535 and 316.545.

888 Section 24. For the purpose of incorporating the amendment
889 made by this act to section 316.646, Florida Statutes, in a
890 reference thereto, paragraph (a) of subsection (5) of section
891 320.02, Florida Statutes, is reenacted to read:

892 320.02 Registration required; application for registration;
893 forms.—

894 (5) (a) Proof that personal injury protection benefits have

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895 been purchased if required under s. 627.733, that property
896 damage liability coverage has been purchased as required under
897 s. 324.022, that bodily injury or death coverage has been
898 purchased if required under s. 324.023, and that combined bodily
899 liability insurance and property damage liability insurance have
900 been purchased if required under s. 627.7415 shall be provided
901 in the manner prescribed by law by the applicant at the time of
902 application for registration of any motor vehicle that is
903 subject to such requirements. The issuing agent shall refuse to
904 issue registration if such proof of purchase is not provided.
905 Insurers shall furnish uniform proof-of-purchase cards in a
906 paper or electronic format in a form prescribed by the
907 department and include the name of the insured's insurance
908 company, the coverage identification number, and the make, year,
909 and vehicle identification number of the vehicle insured. The
910 card must contain a statement notifying the applicant of the
911 penalty specified under s. 316.646(4). The card or insurance
912 policy, insurance policy binder, or certificate of insurance or
913 a photocopy of any of these; an affidavit containing the name of
914 the insured's insurance company, the insured's policy number,
915 and the make and year of the vehicle insured; or such other
916 proof as may be prescribed by the department shall constitute
917 sufficient proof of purchase. If an affidavit is provided as
918 proof, it must be in substantially the following form:

919
920 Under penalty of perjury, I ...(Name of insured)... do hereby
921 certify that I have ...(Personal Injury Protection, Property
922 Damage Liability, and, if required, Bodily Injury Liability)...
923 Insurance currently in effect with ...(Name of insurance

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924 company)... under ...(policy number)... covering ...(make, year,
925 and vehicle identification number of vehicle).... ...(Signature
926 of Insured)...

927

928 Such affidavit must include the following warning:

929

930 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
931 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
932 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
933 SUBJECT TO PROSECUTION.

934

935 If an application is made through a licensed motor vehicle
936 dealer as required under s. 319.23, the original or a
937 photostatic copy of such card, insurance policy, insurance
938 policy binder, or certificate of insurance or the original
939 affidavit from the insured shall be forwarded by the dealer to
940 the tax collector of the county or the Department of Highway
941 Safety and Motor Vehicles for processing. By executing the
942 aforesaid affidavit, no licensed motor vehicle dealer will be
943 liable in damages for any inadequacy, insufficiency, or
944 falsification of any statement contained therein. A card must
945 also indicate the existence of any bodily injury liability
946 insurance voluntarily purchased.

947 Section 25. For the purpose of incorporating the amendment
948 made by this act to section 812.014, Florida Statutes, in a
949 reference thereto, subsection (10) of section 95.18, Florida
950 Statutes, is reenacted to read:

951 95.18 Real property actions; adverse possession without
952 color of title.-

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

957 Section 26. For the purpose of incorporating the amendment
 958 made by this act to section 812.014, Florida Statutes, in a
 959 reference thereto, paragraph (c) of subsection (3) of section
 960 373.6055, Florida Statutes, is reenacted to read:

961 373.6055 Criminal history checks for certain water
 962 management district employees and others.—

963 (3)

964 (c) In addition to other requirements for employment or
 965 access established by any water management district pursuant to
 966 its water management district's security plan for buildings,
 967 facilities, and structures, each water management district's
 968 security plan shall provide that:

969 1. Any person who has within the past 7 years been
 970 convicted, regardless of whether adjudication was withheld, for
 971 a forcible felony as defined in s. 776.08; an act of terrorism
 972 as defined in s. 775.30; planting of a hoax bomb as provided in
 973 s. 790.165; any violation involving the manufacture, possession,
 974 sale, delivery, display, use, or attempted or threatened use of
 975 a weapon of mass destruction or hoax weapon of mass destruction
 976 as provided in s. 790.166; dealing in stolen property; any
 977 violation of s. 893.135; any violation involving the sale,
 978 manufacturing, delivery, or possession with intent to sell,
 979 manufacture, or deliver a controlled substance; burglary;
 980 robbery; any felony violation of s. 812.014; any violation of s.
 981 790.07; any crime an element of which includes use or possession

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982 of a firearm; any conviction for any similar offenses under the
983 laws of another jurisdiction; or conviction for conspiracy to
984 commit any of the listed offenses may not be qualified for
985 initial employment within or authorized regular access to
986 buildings, facilities, or structures defined in the water
987 management district's security plan as restricted access areas.

988 2. Any person who has at any time been convicted of any of
989 the offenses listed in subparagraph 1. may not be qualified for
990 initial employment within or authorized regular access to
991 buildings, facilities, or structures defined in the water
992 management district's security plan as restricted access areas
993 unless, after release from incarceration and any supervision
994 imposed as a sentence, the person remained free from a
995 subsequent conviction, regardless of whether adjudication was
996 withheld, for any of the listed offenses for a period of at
997 least 7 years prior to the employment or access date under
998 consideration.

999 Section 27. For the purpose of incorporating the amendment
1000 made by this act to section 812.014, Florida Statutes, in a
1001 reference thereto, subsection (3) of section 400.9935, Florida
1002 Statutes, is reenacted to read:

1003 400.9935 Clinic responsibilities.—

1004 (3) A charge or reimbursement claim made by or on behalf of
1005 a clinic that is required to be licensed under this part but
1006 that is not so licensed, or that is otherwise operating in
1007 violation of this part, regardless of whether a service is
1008 rendered or whether the charge or reimbursement claim is paid,
1009 is an unlawful charge and is noncompensable and unenforceable. A
1010 person who knowingly makes or causes to be made an unlawful

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1011 charge commits theft within the meaning of and punishable as
1012 provided in s. 812.014.

1013 Section 28. For the purpose of incorporating the amendment
1014 made by this act to section 812.014, Florida Statutes, in a
1015 reference thereto, paragraph (g) of subsection (17) of section
1016 409.910, Florida Statutes, is reenacted to read:

1017 409.910 Responsibility for payments on behalf of Medicaid-
1018 eligible persons when other parties are liable.-

1019 (17)

1020 (g) The agency may investigate and request appropriate
1021 officers or agencies of the state to investigate suspected
1022 criminal violations or fraudulent activity related to third-
1023 party benefits, including, without limitation, ss. 414.39 and
1024 812.014. Such requests may be directed, without limitation, to
1025 the Medicaid Fraud Control Unit of the Office of the Attorney
1026 General or to any state attorney. Pursuant to s. 409.913, the
1027 Attorney General has primary responsibility to investigate and
1028 control Medicaid fraud.

1029 Section 29. For the purpose of incorporating the amendment
1030 made by this act to section 812.014, Florida Statutes, in a
1031 reference thereto, subsection (4) of section 489.126, Florida
1032 Statutes, is reenacted to read:

1033 489.126 Moneys received by contractors.-

1034 (4) Any person who violates any provision of this section
1035 is guilty of theft and shall be prosecuted and punished under s.
1036 812.014.

1037 Section 30. For the purpose of incorporating the amendment
1038 made by this act to section 812.014, Florida Statutes, in a
1039 reference thereto, subsection (2) of section 538.23, Florida

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1040 Statutes, is reenacted to read:

1041 538.23 Violations and penalties.—

1042 (2) A secondary metals recycler is presumed to know upon
1043 receipt of stolen regulated metals property in a purchase
1044 transaction that the regulated metals property has been stolen
1045 from another if the secondary metals recycler knowingly and
1046 intentionally fails to maintain the information required in s.
1047 538.19 and shall, upon conviction of a violation of s. 812.015,
1048 be punished as provided in s. 812.014(2) or (3).

1049 Section 31. For the purpose of incorporating the amendment
1050 made by this act to section 812.014, Florida Statutes, in a
1051 reference thereto, subsection (10) of section 550.6305, Florida
1052 Statutes, is reenacted to read:

1053 550.6305 Intertrack wagering; guest track payments;
1054 accounting rules.—

1055 (10) All races or games conducted at a permitholder's
1056 facility, all broadcasts of such races or games, and all
1057 broadcast rights relating thereto are owned by the permitholder
1058 at whose facility such races or games are conducted and
1059 constitute the permitholder's property as defined in s.
1060 812.012(4). Transmission, reception of a transmission,
1061 exhibition, use, or other appropriation of such races or games,
1062 broadcasts of such races or games, or broadcast rights relating
1063 thereto without the written consent of the permitholder
1064 constitutes a theft of such property under s. 812.014; and in
1065 addition to the penal sanctions contained in s. 812.014, the
1066 permitholder has the right to avail itself of the civil remedies
1067 specified in ss. 772.104, 772.11, and 812.035 in addition to any
1068 other remedies available under applicable state or federal law.

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1069 Section 32. For the purpose of incorporating the amendment
1070 made by this act to section 812.014, Florida Statutes, in a
1071 reference thereto, subsection (2) of section 634.319, Florida
1072 Statutes, is reenacted to read:

1073 634.319 Reporting and accounting for funds.—

1074 (2) Any sales representative who, not being entitled
1075 thereto, diverts or appropriates such funds or any portion
1076 thereof to her or his own use is, upon conviction, guilty of
1077 theft, punishable as provided in s. 812.014.

1078 Section 33. For the purpose of incorporating the amendment
1079 made by this act to section 812.014, Florida Statutes, in a
1080 reference thereto, subsection (2) of section 634.421, Florida
1081 Statutes, is reenacted to read:

1082 634.421 Reporting and accounting for funds.—

1083 (2) Any sales representative who, not being entitled
1084 thereto, diverts or appropriates funds or any portion thereof to
1085 her or his own use commits theft as provided in s. 812.014.

1086 Section 34. For the purpose of incorporating the amendment
1087 made by this act to section 812.014, Florida Statutes, in a
1088 reference thereto, subsection (3) of section 636.238, Florida
1089 Statutes, is reenacted to read:

1090 636.238 Penalties for violation of this part.—

1091 (3) A person who collects fees for purported membership in
1092 a discount medical plan but purposefully fails to provide the
1093 promised benefits commits a theft, punishable as provided in s.
1094 812.014.

1095 Section 35. For the purpose of incorporating the amendment
1096 made by this act to section 812.014, Florida Statutes, in a
1097 reference thereto, subsection (2) of section 642.038, Florida

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1098 Statutes, is reenacted to read:

1099 642.038 Reporting and accounting for funds.—

1100 (2) Any sales representative who, not being entitled
1101 thereto, diverts or appropriates such funds or any portion
1102 thereof to his or her own use commits theft as provided in s.
1103 812.014.

1104 Section 36. For the purpose of incorporating the amendment
1105 made by this act to section 812.014, Florida Statutes, in a
1106 reference thereto, subsection (4) of section 705.102, Florida
1107 Statutes, is reenacted to read:

1108 705.102 Reporting lost or abandoned property.—

1109 (4) Any person who unlawfully appropriates such lost or
1110 abandoned property to his or her own use or refuses to deliver
1111 such property when required commits theft as defined in s.
1112 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
1113 775.084.

1114 Section 37. For the purpose of incorporating the amendment
1115 made by this act to section 812.014, Florida Statutes, in a
1116 reference thereto, subsection (2) of section 812.015, Florida
1117 Statutes, is reenacted to read:

1118 812.015 Retail and farm theft; transit fare evasion;
1119 mandatory fine; alternative punishment; detention and arrest;
1120 exemption from liability for false arrest; resisting arrest;
1121 penalties.—

1122 (2) Upon a second or subsequent conviction for petit theft
1123 from a merchant, farmer, or transit agency, the offender shall
1124 be punished as provided in s. 812.014(3), except that the court
1125 shall impose a fine of not less than \$50 or more than \$1,000.
1126 However, in lieu of such fine, the court may require the

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1127 offender to perform public services designated by the court. In
1128 no event shall any such offender be required to perform fewer
1129 than the number of hours of public service necessary to satisfy
1130 the fine assessed by the court, as provided by this subsection,
1131 at the minimum wage prevailing in the state at the time of
1132 sentencing.

1133 Section 38. For the purpose of incorporating the amendment
1134 made by this act to section 812.014, Florida Statutes, in
1135 references thereto, subsections (1) and (2) of section 812.0155,
1136 Florida Statutes, are reenacted to read:

1137 812.0155 Suspension of driver license following an
1138 adjudication of guilt for theft.—

1139 (1) Except as provided in subsections (2) and (3), the
1140 court may order the suspension of the driver license of each
1141 person adjudicated guilty of any misdemeanor violation of s.
1142 812.014 or s. 812.015, regardless of the value of the property
1143 stolen. Upon ordering the suspension of the driver license of
1144 the person adjudicated guilty, the court shall forward the
1145 driver license of the person adjudicated guilty to the
1146 Department of Highway Safety and Motor Vehicles in accordance
1147 with s. 322.25.

1148 (a) The first suspension of a driver license under this
1149 subsection shall be for a period of up to 6 months.

1150 (b) A second or subsequent suspension of a driver license
1151 under this subsection shall be for 1 year.

1152 (2) The court may revoke, suspend, or withhold issuance of
1153 a driver license of a person less than 18 years of age who
1154 violates s. 812.014 or s. 812.015 as an alternative to
1155 sentencing the person to:

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1156 (a) Probation as defined in s. 985.03 or commitment to the
1157 Department of Juvenile Justice, if the person is adjudicated
1158 delinquent for such violation and has not previously been
1159 convicted of or adjudicated delinquent for any criminal offense,
1160 regardless of whether adjudication was withheld.

1161 (b) Probation as defined in s. 985.03, commitment to the
1162 Department of Juvenile Justice, probation as defined in chapter
1163 948, community control, or incarceration, if the person is
1164 convicted as an adult of such violation and has not previously
1165 been convicted of or adjudicated delinquent for any criminal
1166 offense, regardless of whether adjudication was withheld.

1167 Section 39. For the purpose of incorporating the amendment
1168 made by this act to section 812.014, Florida Statutes, in
1169 references thereto, subsections (4), (7), and (8) of section
1170 812.14, Florida Statutes, are reenacted to read:

1171 812.14 Trespass and larceny with relation to utility
1172 fixtures; theft of utility services.-

1173 (4) A person who willfully violates paragraph (2)(a),
1174 paragraph (2)(b), or paragraph (2)(c) commits theft, punishable
1175 as provided in s. 812.014.

1176 (7) A person who willfully violates subsection (5) commits
1177 a misdemeanor of the first degree, punishable as provided in s.
1178 775.082 or s. 775.083. Prosecution for a violation of subsection
1179 (5) does not preclude prosecution for theft pursuant to
1180 subsection (8) or s. 812.014.

1181 (8) Theft of utility services for the purpose of
1182 facilitating the manufacture of a controlled substance is theft,
1183 punishable as provided in s. 812.014.

1184 Section 40. For the purpose of incorporating the amendment

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1185 made by this act to section 812.014, Florida Statutes, in a
1186 reference thereto, subsection (3) of section 893.138, Florida
1187 Statutes, is reenacted to read:

1188 893.138 Local administrative action to abate drug-related,
1189 prostitution-related, or stolen-property-related public
1190 nuisances and criminal gang activity.—

1191 (3) Any pain-management clinic, as described in s. 458.3265
1192 or s. 459.0137, which has been used on more than two occasions
1193 within a 6-month period as the site of a violation of:

1194 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
1195 relating to assault and battery;

1196 (b) Section 810.02, relating to burglary;

1197 (c) Section 812.014, relating to theft;

1198 (d) Section 812.131, relating to robbery by sudden
1199 snatching; or

1200 (e) Section 893.13, relating to the unlawful distribution
1201 of controlled substances,

1202
1203 may be declared to be a public nuisance, and such nuisance may
1204 be abated pursuant to the procedures provided in this section.

1205 Section 41. For the purpose of incorporating the amendment
1206 made by this act to section 893.13, Florida Statutes, in a
1207 reference thereto, paragraph (b) of subsection (4) of section
1208 397.451, Florida Statutes, is reenacted to read:

1209 397.451 Background checks of service provider personnel.—

1210 (4) EXEMPTIONS FROM DISQUALIFICATION.—

1211 (b) Since rehabilitated substance abuse impaired persons
1212 are effective in the successful treatment and rehabilitation of
1213 individuals with substance use disorders, for service providers

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1214 which treat adolescents 13 years of age and older, service
1215 provider personnel whose background checks indicate crimes under
1216 s. 817.563, s. 893.13, or s. 893.147 may be exempted from
1217 disqualification from employment pursuant to this paragraph.

1218 Section 42. For the purpose of incorporating the amendment
1219 made by this act to section 893.13, Florida Statutes, in a
1220 reference thereto, subsection (2) of section 435.07, Florida
1221 Statutes, is reenacted to read:

1222 435.07 Exemptions from disqualification.—Unless otherwise
1223 provided by law, the provisions of this section apply to
1224 exemptions from disqualification for disqualifying offenses
1225 revealed pursuant to background screenings required under this
1226 chapter, regardless of whether those disqualifying offenses are
1227 listed in this chapter or other laws.

1228 (2) Persons employed, or applicants for employment, by
1229 treatment providers who treat adolescents 13 years of age and
1230 older who are disqualified from employment solely because of
1231 crimes under s. 817.563, s. 893.13, or s. 893.147 may be
1232 exempted from disqualification from employment pursuant to this
1233 chapter without application of the waiting period in
1234 subparagraph (1)(a)1.

1235 Section 43. For the purpose of incorporating the amendment
1236 made by this act to section 893.13, Florida Statutes, in a
1237 reference thereto, paragraph (a) of subsection (1) of section
1238 775.084, Florida Statutes, is reenacted to read:

1239 775.084 Violent career criminals; habitual felony offenders
1240 and habitual violent felony offenders; three-time violent felony
1241 offenders; definitions; procedure; enhanced penalties or
1242 mandatory minimum prison terms.—

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1243 (1) As used in this act:

1244 (a) "Habitual felony offender" means a defendant for whom
1245 the court may impose an extended term of imprisonment, as
1246 provided in paragraph (4) (a), if it finds that:

1247 1. The defendant has previously been convicted of any
1248 combination of two or more felonies in this state or other
1249 qualified offenses.

1250 2. The felony for which the defendant is to be sentenced
1251 was committed:

1252 a. While the defendant was serving a prison sentence or
1253 other sentence, or court-ordered or lawfully imposed supervision
1254 that is imposed as a result of a prior conviction for a felony
1255 or other qualified offense; or

1256 b. Within 5 years of the date of the conviction of the
1257 defendant's last prior felony or other qualified offense, or
1258 within 5 years of the defendant's release from a prison
1259 sentence, probation, community control, control release,
1260 conditional release, parole or court-ordered or lawfully imposed
1261 supervision or other sentence that is imposed as a result of a
1262 prior conviction for a felony or other qualified offense,
1263 whichever is later.

1264 3. The felony for which the defendant is to be sentenced,
1265 and one of the two prior felony convictions, is not a violation
1266 of s. 893.13 relating to the purchase or the possession of a
1267 controlled substance.

1268 4. The defendant has not received a pardon for any felony
1269 or other qualified offense that is necessary for the operation
1270 of this paragraph.

1271 5. A conviction of a felony or other qualified offense

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1272 necessary to the operation of this paragraph has not been set
1273 aside in any postconviction proceeding.

1274 Section 44. For the purpose of incorporating the amendment
1275 made by this act to section 893.13, Florida Statutes, in a
1276 reference thereto, subsection (3) of section 810.02, Florida
1277 Statutes, is reenacted to read:

1278 810.02 Burglary.—

1279 (3) Burglary is a felony of the second degree, punishable
1280 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
1281 course of committing the offense, the offender does not make an
1282 assault or battery and is not and does not become armed with a
1283 dangerous weapon or explosive, and the offender enters or
1284 remains in a:

1285 (a) Dwelling, and there is another person in the dwelling
1286 at the time the offender enters or remains;

1287 (b) Dwelling, and there is not another person in the
1288 dwelling at the time the offender enters or remains;

1289 (c) Structure, and there is another person in the structure
1290 at the time the offender enters or remains;

1291 (d) Conveyance, and there is another person in the
1292 conveyance at the time the offender enters or remains;

1293 (e) Authorized emergency vehicle, as defined in s. 316.003;
1294 or

1295 (f) Structure or conveyance when the offense intended to be
1296 committed therein is theft of a controlled substance as defined
1297 in s. 893.02. Notwithstanding any other law, separate judgments
1298 and sentences for burglary with the intent to commit theft of a
1299 controlled substance under this paragraph and for any applicable
1300 possession of controlled substance offense under s. 893.13 or

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1301 trafficking in controlled substance offense under s. 893.135 may
1302 be imposed when all such offenses involve the same amount or
1303 amounts of a controlled substance.

1304
1305 However, if the burglary is committed within a county that is
1306 subject to a state of emergency declared by the Governor under
1307 chapter 252 after the declaration of emergency is made and the
1308 perpetration of the burglary is facilitated by conditions
1309 arising from the emergency, the burglary is a felony of the
1310 first degree, punishable as provided in s. 775.082, s. 775.083,
1311 or s. 775.084. As used in this subsection, the term "conditions
1312 arising from the emergency" means civil unrest, power outages,
1313 curfews, voluntary or mandatory evacuations, or a reduction in
1314 the presence of or response time for first responders or
1315 homeland security personnel. A person arrested for committing a
1316 burglary within a county that is subject to such a state of
1317 emergency may not be released until the person appears before a
1318 committing magistrate at a first appearance hearing. For
1319 purposes of sentencing under chapter 921, a felony offense that
1320 is reclassified under this subsection is ranked one level above
1321 the ranking under s. 921.0022 or s. 921.0023 of the offense
1322 committed.

1323 Section 45. For the purpose of incorporating the amendment
1324 made by this act to section 893.13, Florida Statutes, in a
1325 reference thereto, subsection (1) of section 831.311, Florida
1326 Statutes, is reenacted to read:

1327 831.311 Unlawful sale, manufacture, alteration, delivery,
1328 uttering, or possession of counterfeit-resistant prescription
1329 blanks for controlled substances.-

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1330 (1) It is unlawful for any person having the intent to
1331 injure or defraud any person or to facilitate any violation of
1332 s. 893.13 to sell, manufacture, alter, deliver, utter, or
1333 possess with intent to injure or defraud any person, or to
1334 facilitate any violation of s. 893.13, any counterfeit-resistant
1335 prescription blanks for controlled substances, the form and
1336 content of which are adopted by rule of the Department of Health
1337 pursuant to s. 893.065.

1338 Section 46. For the purpose of incorporating the amendment
1339 made by this act to section 893.13, Florida Statutes, in a
1340 reference thereto, section 893.15, Florida Statutes, is
1341 reenacted to read:

1342 893.15 Rehabilitation.—Any person who violates s.
1343 893.13(6) (a) or (b) relating to possession may, in the
1344 discretion of the trial judge, be required to participate in a
1345 substance abuse services program approved or regulated by the
1346 Department of Children and Families pursuant to the provisions
1347 of chapter 397, provided the director of such program approves
1348 the placement of the defendant in such program. Such required
1349 participation shall be imposed in addition to any penalty or
1350 probation otherwise prescribed by law. However, the total time
1351 of such penalty, probation, and program participation shall not
1352 exceed the maximum length of sentence possible for the offense.

1353 Section 47. For the purpose of incorporating the amendment
1354 made by this act to section 893.13, Florida Statutes, in a
1355 reference thereto, paragraph (1) of subsection (1) of section
1356 921.187, Florida Statutes, is reenacted to read:

1357 921.187 Disposition and sentencing; alternatives;
1358 restitution.—

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1359 (1) The alternatives provided in this section for the
1360 disposition of criminal cases shall be used in a manner that
1361 will best serve the needs of society, punish criminal offenders,
1362 and provide the opportunity for rehabilitation. If the offender
1363 does not receive a state prison sentence, the court may:

1364 (1)1. Require the offender who violates any criminal
1365 provision of chapter 893 to pay an additional assessment in an
1366 amount up to the amount of any fine imposed, pursuant to ss.
1367 938.21 and 938.23.

1368 2. Require the offender who violates any provision of s.
1369 893.13 to pay an additional assessment in an amount of \$100,
1370 pursuant to ss. 938.055 and 943.361.

1371 Section 48. This act shall take effect July 1, 2017.