

By the Committee on Criminal Justice; and Senator Clemens

591-02127A-17

2017608c1

1 A bill to be entitled
2 An act relating to decreasing penalties for certain
3 criminal acts; amending s. 316.1301, F.S.; deleting a
4 criminal penalty prohibiting a person on a public
5 street or highway from carrying a white or white
6 tipped with red cane or walking stick unless the
7 person is totally or partially blind; amending s.
8 316.2956, F.S.; decreasing the penalty for a person
9 who sells or installs sunscreening material in
10 violation of specified provisions; amending s.
11 316.646, F.S.; decreasing the penalty for a person who
12 is required to maintain certain motor vehicle
13 insurance coverage and who presents proof of insurance
14 knowing that such insurance is not currently in force;
15 amending s. 318.14, F.S.; decreasing the penalty for a
16 person who willfully refuses to accept and to sign a
17 citation indicating a promise to appear in a hearing;
18 amending s. 322.03, F.S.; decreasing the penalty for a
19 resident of this state who operates a commercial motor
20 vehicle without possessing a commercial driver license
21 under certain circumstances; amending s. 322.055,
22 F.S.; decreasing the period for revocation or
23 suspension of, or delay of eligibility for, driver
24 licenses or driving privileges for certain persons
25 convicted of certain drug offenses; deleting
26 provisions authorizing a driver to petition the
27 Department of Highway Safety and Motor Vehicles for
28 restoration of his or her driving privilege; amending
29 s. 562.14, F.S.; decreasing the penalty for selling,

591-02127A-17

2017608c1

30 consuming, serving, or allowing to be served in a
31 place having a license between midnight and 7 a.m. the
32 next day; amending s. 562.50, F.S.; decreasing the
33 penalty for selling, giving away, disposing of,
34 exchanging, or bartering certain beverages or articles
35 with a habitual drunkard after receiving notice from a
36 family member about such person's condition; amending
37 s. 812.014, F.S.; increasing the minimum monetary
38 value of stolen property for the crime of grand theft
39 of the third degree; increasing the maximum monetary
40 value for grand theft of the third degree involving
41 theft of property from a dwelling or its unenclosed
42 curtilage; increasing the maximum value for petit
43 theft of the first degree; revising the list of
44 offenses that make up grand theft of the third degree;
45 deleting a criminal penalty for petit theft by an
46 offender who has two or more prior theft convictions;
47 amending s. 832.05, F.S.; revising threshold amounts
48 for offenses involving giving worthless checks,
49 drafts, and debit card orders; amending s. 832.062,
50 F.S.; revising the threshold amount for offenses
51 involving payments to the Department of Revenue;
52 amending s. 921.0022, F.S.; conforming provisions to
53 changes made by the act; conforming cross-references;
54 reenacting ss. 318.18(3)(f) and 318.21(4), F.S.,
55 relating to amounts of penalties and disposition of
56 civil penalties by county courts, respectively, to
57 incorporate the amendment made to s. 316.1301, F.S.,
58 in references thereto; reenacting s. 320.02(5)(a),

591-02127A-17

2017608c1

59 relating to proof of insurance coverage, to
60 incorporate the amendment made to s. 316.646, F.S., in
61 a reference thereto; reenacting ss. 95.18(10),
62 373.6055(3)(c), 400.9935(3), 409.910(17)(g),
63 489.126(4), 538.23(2), 550.6305(10), 634.319(2),
64 634.421(2), 636.238(3), 642.038(2), 705.102(4),
65 812.015(2), 812.0155(1) and (2), 812.14(4), (7), and
66 (8), and 893.138(3), F.S., relating to adverse
67 possession without color of title, criminal history
68 checks for certain employees, clinic responsibilities,
69 investigating suspected criminal violations or
70 fraudulent activity related to theft, moneys received
71 by contractors, violations and penalties, theft and
72 penal sanctions for theft, reporting and accounting
73 for funds, penalties for specified violations,
74 reporting lost or abandoned property, second or
75 subsequent conviction for petit theft, suspension of
76 driver license following an adjudication of guilt for
77 theft, theft of utility services, and local
78 administrative action to abate a stolen-property-
79 related public nuisance, respectively, to incorporate
80 the amendment made to s. 812.014, F.S., in references
81 thereto; providing an effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Present subsection (1) of section 316.1301,
86 Florida Statutes, is amended to read:

87 316.1301 Traffic regulations to assist blind persons.—

591-02127A-17

2017608c1

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

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

97 316.2956 Violation of provisions relating to windshields,
98 windows, and sunscreening material; penalties.—

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

103 Section 3. Subsection (1) of section 316.646, Florida
104 Statutes, is republished, and subsection (4) of that section is
105 amended, to read:

106 316.646 Security required; proof of security and display
107 thereof.—

108 (1) Any person required by s. 324.022 to maintain property
109 damage liability security, required by s. 324.023 to maintain
110 liability security for bodily injury or death, or required by s.
111 627.733 to maintain personal injury protection security on a
112 motor vehicle shall have in his or her immediate possession at
113 all times while operating such motor vehicle proper proof of
114 maintenance of the required security.

115 (a) Such proof shall be in a uniform paper or electronic
116 format, as prescribed by the department, a valid insurance

591-02127A-17

2017608c1

117 policy, an insurance policy binder, a certificate of insurance,
118 or such other proof as may be prescribed by the department.

119 (b)1. The act of presenting to a law enforcement officer an
120 electronic device displaying proof of insurance in an electronic
121 format does not constitute consent for the officer to access any
122 information on the device other than the displayed proof of
123 insurance.

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

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

131 Section 4. Subsection (2) of section 318.14, Florida
132 Statutes, is republished, and subsection (3) of that section is
133 amended, to read:

134 318.14 Noncriminal traffic infractions; exception;
135 procedures.—

136 (2) Except as provided in ss. 316.1001(2) and 316.0083, any
137 person cited for a violation requiring a mandatory hearing
138 listed in s. 318.19 or any other criminal traffic violation
139 listed in chapter 316 must sign and accept a citation indicating
140 a promise to appear. The officer may indicate on the traffic
141 citation the time and location of the scheduled hearing and must
142 indicate the applicable civil penalty established in s. 318.18.
143 For all other infractions under this section, except for
144 infractions under s. 316.1001, the officer must certify by
145 electronic, electronic facsimile, or written signature that the

591-02127A-17

2017608c1

146 citation was delivered to the person cited. This certification
147 is prima facie evidence that the person cited was served with
148 the citation.

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

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

155 322.03 Drivers must be licensed; penalties.—

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

158 (b) A resident of this state who is required by the laws of
159 this state to possess a commercial driver license may not
160 operate a commercial motor vehicle in this state unless he or
161 she possesses a valid commercial driver license issued by this
162 state. Except as provided in paragraph (c), any person who
163 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
164 the second ~~first~~ degree, punishable as provided in s. 775.082 or
165 s. 775.083.

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

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

172 322.055 Revocation or suspension of, or delay of
173 eligibility for, driver license for persons 18 years of age or
174 older convicted of certain drug offenses.—

591-02127A-17

2017608c1

175 (1) Notwithstanding s. 322.28, upon the conviction of a
176 person 18 years of age or older for possession or sale of,
177 trafficking in, or conspiracy to possess, sell, or traffic in a
178 controlled substance, the court shall direct the department to
179 revoke the driver license or driving privilege of the person.
180 The period of such revocation shall be 6 months ~~1 year~~ or until
181 the person is evaluated for and, if deemed necessary by the
182 evaluating agency, completes a drug treatment and rehabilitation
183 program approved or regulated by the Department of Children and
184 Families. However, the court may, in its sound discretion,
185 direct the department to issue a license for driving privilege
186 restricted to business or employment purposes only, as defined
187 by s. 322.271, if the person is otherwise qualified for such a
188 license. ~~A driver whose license or driving privilege has been~~
189 ~~suspended or revoked under this section or s. 322.056 may, upon~~
190 ~~the expiration of 6 months, petition the department for~~
191 ~~restoration of the driving privilege on a restricted or~~
192 ~~unrestricted basis depending on length of suspension or~~
193 ~~revocation. In no case shall~~ A restricted license may not be
194 available until 6 months of the suspension or revocation period
195 has been completed ~~expired~~.

196 (2) If a person 18 years of age or older is convicted for
197 the possession or sale of, trafficking in, or conspiracy to
198 possess, sell, or traffic in a controlled substance and such
199 person is eligible by reason of age for a driver license or
200 privilege, the court shall direct the department to withhold
201 issuance of such person's driver license or driving privilege
202 for a period of 6 months ~~1 year~~ after the date the person was
203 convicted or until the person is evaluated for and, if deemed

591-02127A-17

2017608c1

204 necessary by the evaluating agency, completes a drug treatment
205 and rehabilitation program approved or regulated by the
206 Department of Children and Families. However, the court may, in
207 its sound discretion, direct the department to issue a license
208 for driving privilege restricted to business or employment
209 purposes only, as defined by s. 322.271, if the person is
210 otherwise qualified for such a license. ~~A driver whose license
211 or driving privilege has been suspended or revoked under this
212 section or s. 322.056 may, upon the expiration of 6 months,
213 petition the department for restoration of the driving privilege
214 on a restricted or unrestricted basis depending on the length of
215 suspension or revocation. In no case shall~~ A restricted license
216 may not be available until 6 months of the suspension or
217 revocation period has been completed ~~expired~~.

218 (3) If a person 18 years of age or older is convicted for
219 the possession or sale of, trafficking in, or conspiracy to
220 possess, sell, or traffic in a controlled substance and such
221 person's driver license or driving privilege is already under
222 suspension or revocation for any reason, the court shall direct
223 the department to extend the period of such suspension or
224 revocation by an additional period of 6 months ~~1 year~~ or until
225 the person is evaluated for and, if deemed necessary by the
226 evaluating agency, completes a drug treatment and rehabilitation
227 program approved or regulated by the Department of Children and
228 Families. However, the court may, in its sound discretion,
229 direct the department to issue a license for driving privilege
230 restricted to business or employment purposes only, as defined
231 by s. 322.271, if the person is otherwise qualified for such a
232 license. ~~A driver whose license or driving privilege has been~~

591-02127A-17

2017608c1

233 ~~suspended or revoked under this section or s. 322.056 may, upon~~
234 ~~the expiration of 6 months, petition the department for~~
235 ~~restoration of the driving privilege on a restricted or~~
236 ~~unrestricted basis depending on the length of suspension or~~
237 ~~revocation. In no case shall~~ A restricted license may not be
238 available until 6 months of the suspension or revocation period
239 has been completed ~~expired~~.

240 (4) If a person 18 years of age or older is convicted for
241 the possession or sale of, trafficking in, or conspiracy to
242 possess, sell, or traffic in a controlled substance and such
243 person is ineligible by reason of age for a driver license or
244 driving privilege, the court shall direct the department to
245 withhold issuance of such person's driver license or driving
246 privilege for a period of 6 months ~~1 year~~ after the date that he
247 or she would otherwise have become eligible or until he or she
248 becomes eligible by reason of age for a driver license and is
249 evaluated for and, if deemed necessary by the evaluating agency,
250 completes a drug treatment and rehabilitation program approved
251 or regulated by the Department of Children and Families.
252 However, the court may, in its sound discretion, direct the
253 department to issue a license for driving privilege restricted
254 to business or employment purposes only, as defined by s.
255 322.271, if the person is otherwise qualified for such a
256 license. ~~A driver whose license or driving privilege has been~~
257 ~~suspended or revoked under this section or s. 322.056 may, upon~~
258 ~~the expiration of 6 months, petition the department for~~
259 ~~restoration of the driving privilege on a restricted or~~
260 ~~unrestricted basis depending on the length of suspension or~~
261 ~~revocation. In no case shall~~ A restricted license may not be

591-02127A-17

2017608c1

262 available until 6 months of the suspension or revocation period
263 has been completed ~~expired~~.

264 Section 7. Section 562.14, Florida Statutes, is amended to
265 read:

266 562.14 Regulating the time for sale of alcoholic and
267 intoxicating beverages; prohibiting use of licensed premises.—

268 (1) Except as otherwise provided by county or municipal
269 ordinance, ~~no~~ alcoholic beverages may not be sold, consumed,
270 served, or permitted to be served or consumed in any place
271 holding a license under the division between the hours of
272 midnight and 7 a.m. of the following day. This section does
273 ~~shall~~ not apply to railroads selling only to passengers for
274 consumption on railroad cars. A person who violates this
275 subsection commits a noncriminal violation, punishable as
276 provided in s. 775.083.

277 (2) Except as otherwise provided by county or municipal
278 ordinance, a ~~no~~ vendor issued an alcoholic beverage license to
279 sell alcoholic beverages for consumption on the vendor's
280 licensed premises and whose principal business is the sale of
281 alcoholic beverages may not, ~~shall~~ allow the licensed premises,
282 as defined in s. 561.01(11), to be rented, leased, or otherwise
283 used during the hours in which the sale of alcoholic beverages
284 is prohibited. However, this prohibition does ~~shall~~ not apply to
285 the rental, lease, or other use of the licensed premises on
286 Sundays after 8 a.m. Further, neither this subsection, nor any
287 local ordinance adopted pursuant to this subsection, shall be
288 construed to apply to a theme park complex as defined in s.
289 565.02(6) or an entertainment/resort complex as defined in s.
290 561.01(18). A person who violates this subsection commits a

591-02127A-17

2017608c1

291 misdemeanor of the second degree, punishable as provided in s.
292 775.082 or s. 775.083.

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

296 ~~(4) Any person violating this section shall be guilty of a~~
297 ~~misdemeanor of the second degree, punishable as provided in s.~~
298 ~~775.082 or s. 775.083.~~

299 Section 8. Section 562.50, Florida Statutes, is amended to
300 read:

301 562.50 Habitual drunkards; furnishing intoxicants to, after
302 notice.—Any person who shall sell, give away, dispose of,
303 exchange, or barter any alcoholic beverage, or any essence,
304 extract, bitters, preparation, compound, composition, or any
305 article whatsoever under any name, label, or brand, which
306 produces intoxication, to any person habitually addicted to the
307 use of any or all such intoxicating liquors, after having been
308 given written notice by wife, husband, father, mother, sister,
309 brother, child, or nearest relative that said person so addicted
310 is an habitual drunkard and that the use of intoxicating drink
311 or drinks is working an injury to the person using said liquors,
312 or to the person giving said written notice, commits a
313 noncriminal violation ~~shall be guilty of a misdemeanor of the~~
314 ~~second degree, punishable as provided in s. 775.082 or s.~~
315 775.083.

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

319 812.014 Theft.—

591-02127A-17

2017608c1

320 (2)

321 (c) It is grand theft of the third degree and a felony of
322 the third degree, punishable as provided in s. 775.082, s.
323 775.083, or s. 775.084, if the property stolen is:

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

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

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

327 ~~4. A will, codicil, or other testamentary instrument.~~328 ~~4.5.~~ A firearm.329 ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).

330 ~~6.7.~~ Any commercially farmed animal, including any animal
331 of the equine, bovine, or swine class or other grazing animal; a
332 bee colony of a registered beekeeper; and aquaculture species
333 raised at a certified aquaculture facility. If the property
334 stolen is aquaculture species raised at a certified aquaculture
335 facility, then a \$10,000 fine shall be imposed.

336 ~~7.8.~~ Any fire extinguisher.

337 ~~8.9.~~ Any amount of citrus fruit consisting of 2,000 or more
338 individual pieces of fruit.

339 ~~9.10.~~ Taken from a designated construction site identified
340 by the posting of a sign as provided for in s. 810.09(2)(d).

341 ~~11. Any stop sign.~~342 ~~10.12.~~ Anhydrous ammonia.

343 ~~11.13.~~ Any amount of a controlled substance as defined in
344 s. 893.02. Notwithstanding any other law, separate judgments and
345 sentences for theft of a controlled substance under this
346 subparagraph and for any applicable possession of controlled
347 substance offense under s. 893.13 or trafficking in controlled
348 substance offense under s. 893.135 may be imposed when all such

591-02127A-17

2017608c1

349 offenses involve the same amount or amounts of a controlled
350 substance.

351

352 However, if the property is stolen within a county that is
353 subject to a state of emergency declared by the Governor under
354 chapter 252, the property is stolen after the declaration of
355 emergency is made, and the perpetration of the theft is
356 facilitated by conditions arising from the emergency, the
357 offender commits a felony of the second degree, punishable as
358 provided in s. 775.082, s. 775.083, or s. 775.084, if the
359 property is valued at \$5,000 or more, but less than \$10,000, as
360 provided under subparagraph 2., or if the property is valued at
361 \$10,000 or more, but less than \$20,000, as provided under
362 subparagraph 3. As used in this paragraph, the term "conditions
363 arising from the emergency" means civil unrest, power outages,
364 curfews, voluntary or mandatory evacuations, or a reduction in
365 the presence of or the response time for first responders or
366 homeland security personnel. For purposes of sentencing under
367 chapter 921, a felony offense that is reclassified under this
368 paragraph is ranked one level above the ranking under s.
369 921.0022 or s. 921.0023 of the offense committed.

370 (d) It is grand theft of the third degree and a felony of
371 the third degree, punishable as provided in s. 775.082, s.
372 775.083, or s. 775.084, if the property stolen is valued at \$100
373 or more, but less than \$1,000 ~~\$300~~, and is taken from a dwelling
374 as defined in s. 810.011(2) or from the unenclosed curtilage of
375 a dwelling pursuant to s. 810.09(1).

376 (e) Except as provided in paragraph (d), if the property
377 stolen is valued at \$100 or more, but less than \$1,000 ~~\$300~~, the

591-02127A-17

2017608c1

378 offender commits petit theft of the first degree, punishable as
379 a misdemeanor of the first degree, as provided in s. 775.082 or
380 s. 775.083.

381 (3)

382 ~~(c) A person who commits petit theft and who has previously~~
383 ~~been convicted two or more times of any theft commits a felony~~
384 ~~of the third degree, punishable as provided in s. 775.082 or s.~~
385 ~~775.083.~~

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

389 832.05 Giving worthless checks, drafts, and debit card
390 orders; penalty; duty of drawee; evidence; costs; complaint
391 form.—

392 (2) WORTHLESS CHECKS, DRAFTS, OR DEBIT CARD ORDERS;
393 PENALTY.—

394 (b) A violation of the provisions of this subsection
395 constitutes a misdemeanor of the first degree, punishable as
396 provided in s. 775.082 or s. 775.083, unless the check, draft,
397 debit card order, or other written order drawn, made, uttered,
398 issued, or delivered is in the amount of \$500 ~~\$150~~, or its
399 equivalent, or more and the payee or a subsequent holder thereof
400 receives something of value therefor. In that event, the
401 violation constitutes a felony of the third degree, punishable
402 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

405 (c) A violation of the provisions of this subsection, if
406 the check, draft, other written order, or debit card order is

591-02127A-17

2017608c1

407 for an amount less than \$500 ~~\$150~~ or its equivalent, constitutes
408 a misdemeanor of the first degree, punishable as provided in s.
409 775.082 or s. 775.083. A violation of the provisions of this
410 subsection, if the check, draft, other written order, or debit
411 card order is in the amount of \$500 ~~\$150~~, or its equivalent, or
412 more, constitutes a felony of the third degree, punishable as
413 provided in s. 775.082, s. 775.083, or s. 775.084.

414 Section 11. Subsection (2) of section 832.062, Florida
415 Statutes, is amended, and subsection (1) of that section is
416 republished, to read:

417 832.062 Prosecution for worthless checks, drafts, debit
418 card orders, or electronic funds transfers made to pay any tax
419 or associated amount administered by the Department of Revenue.—

420 (1) It is unlawful for any person, firm, or corporation to
421 draw, make, utter, issue, or deliver to the Department of
422 Revenue any check, draft, or other written order on any bank or
423 depository, to use a debit card, to make, send, instruct, order,
424 or initiate any electronic funds transfer, or to cause or direct
425 the making, sending, instructing, ordering, or initiating of any
426 electronic funds transfer, for the payment of any taxes,
427 penalties, interest, fees, or associated amounts administered by
428 the Department of Revenue, knowing at the time of the drawing,
429 making, uttering, issuing, or delivering such check, draft, or
430 other written order, at the time of using such debit card, at
431 the time of making, sending, instructing, ordering, or
432 initiating any electronic funds transfer, or at the time of
433 causing or directing the making, sending, instructing, ordering,
434 initiating, or executing of any electronic funds transfer, that
435 the maker, drawer, sender, or receiver thereof has not

591-02127A-17

2017608c1

436 sufficient funds on deposit in or credit with such bank or
437 depository with which to pay the same on presentation. This
438 section does not apply to any check or electronic funds transfer
439 when the Department of Revenue knows or has been expressly
440 notified prior to the drawing or uttering of the check or the
441 sending or initiating of the electronic funds transfer, or has
442 reason to believe, that the drawer, sender, or receiver did not
443 have on deposit or to the drawer's, sender's, or receiver's
444 credit with the drawee or receiving bank or depository
445 sufficient funds to ensure payment as aforesaid, and this
446 section does not apply to any postdated check.

447 (2) A violation of this section constitutes a misdemeanor
448 of the second degree, punishable as provided in s. 775.082 or s.
449 775.083, unless the check, draft, debit card order, or other
450 written order drawn, made, uttered, issued, or delivered, or
451 electronic funds transfer made, sent, instructed, ordered, or
452 initiated, or caused or directed to be made, sent, instructed,
453 ordered, or initiated is in the amount of \$500 ~~\$150~~ or more. In
454 that event, the violation constitutes a felony of the third
455 degree, punishable as provided in s. 775.082, s. 775.083, or s.
456 775.084.

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

459 921.0022 Criminal Punishment Code; offense severity ranking
460 chart.—

461 (3) OFFENSE SEVERITY RANKING CHART

462 (a) LEVEL 1

463

591-02127A-17

2017608c1

	Florida Statute	Felony Degree	Description
464	24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
465	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
466	212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
467	316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
468	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
469	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
470	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.

591-02127A-17

2017608c1

471
472
473
474
475
476
477

322.212
(1) (a) - (c)

3rd

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

322.212 (4)

3rd

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

322.212 (5) (a)

3rd

False application for driver
license or identification
card.

414.39 (3) (a)

3rd

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

443.071 (1)

3rd

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

509.151 (1)

3rd

Defraud an innkeeper, food
or lodging value greater
than \$300.

591-02127A-17 2017608c1

478	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
479	562.27 (1)	3rd	Possess still or still apparatus.
480	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
481	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
482	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
483	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
484	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
	817.569 (2)	3rd	Use of public record or

591-02127A-17

2017608c1

public records information
or providing false
information to facilitate
commission of a felony.

485
486
487
488
489
490
491

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

	591-02127A-17		2017608c1
492	838.15 (2)	3rd	Commercial bribe receiving.
493	838.16	3rd	Commercial bribery.
494	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
495	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
496	849.01	3rd	Keeping gambling house.
497	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.
498	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
499	849.25 (2)	3rd	Engaging in bookmaking.
500	860.08	3rd	Interfere with a railroad signal.

591-02127A-17 2017608c1

501 860.13 (1) (a) 3rd Operate aircraft while under
the influence.

502 893.13 (2) (a) 2. 3rd Purchase of cannabis.

503 893.13 (6) (a) 3rd Possession of cannabis (more
than 20 grams).

504 934.03 (1) (a) 3rd Intercepts, or procures any
other person to intercept,
any wire or oral
communication.

507 (b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine

591-02127A-17

2017608c1

Turtle Protection Act.

511

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.

512

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

513

590.28 (1)

3rd

Intentional burning of lands.

514

784.05 (3)

3rd

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

515

787.04 (1)

3rd

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

516

806.13 (1) (b) 3.

3rd

Criminal mischief;

591-02127A-17

2017608c1

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

517

810.061 (2)

3rd

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

518

810.09 (2) (e)

3rd

Trespassing on posted commercial horticulture property.

519

812.014 (2) (c) 1.

3rd

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

520

812.014 (2) (d)

3rd

Grand theft, 3rd degree; \$100 or more but less than \$1,000 ~~\$300~~, taken from unenclosed curtilage of dwelling.

521

812.015 (7)

3rd

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

591-02127A-17

2017608c1

522

817.234 (1) (a) 2. 3rd False statement in support of insurance claim.

523

817.481 (3) (a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

524

817.52 (3) 3rd Failure to redeliver hired vehicle.

525

817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.

526

817.60 (5) 3rd Dealing in credit cards of another.

527

817.60 (6) (a) 3rd Forgery; purchase goods, services with false card.

528

817.61 3rd Fraudulent use of credit cards over \$100 or more within 6 months.

591-02127A-17

2017608c1

529
530
531
532
533
534
535
536

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

591-02127A-17 2017608c1

537 832.05 (3) (a) 3rd Cashing or depositing
item with intent to
defraud.

538 843.08 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.

539 893.147 (2) 3rd Manufacture or delivery
of drug paraphernalia.

540
541
542
543 (c) LEVEL 3

Florida	Felony	
Statute	Degree	Description

545 119.10 (2) (b) 3rd Unlawful use of
confidential information
from police reports.

546

591-02127A-17 2017608c1

547	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
548	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
549	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
550	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
551	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
552	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title

591-02127A-17

2017608c1

or registration.

553

327.35 (2) (b)

3rd

Felony BUI.

554

328.05 (2)

3rd

Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

555

328.07 (4)

3rd

Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

556

376.302 (5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

557

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

591-02127A-17

2017608c1

of the Marine Turtle
Protection Act.

558

379.2431
(1) (e) 6.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

559

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring
licensure, without a
license.

560

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or
failing to report
information.

561

440.1051 (3)

3rd

False report of workers'
compensation fraud or
retaliation for making such
a report.

562

501.001 (2) (b)

2nd

Tampers with a consumer
product or the container
using materially
false/misleading
information.

591-02127A-17

2017608c1

563
564
565
566
567
568
569
570

624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

591-02127A-17 2017608c1

571	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
572	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
573	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
574	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
575	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
576	817.233	3rd	Burning to defraud insurer.
577	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
577	817.234(11)(a)	3rd	Insurance fraud; property

591-02127A-17

2017608c1

value less than \$20,000.

578

817.236

3rd

Filing a false motor vehicle insurance application.

579

817.2361

3rd

Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

580

817.413 (2)

3rd

Sale of used goods as new.

581

817.505 (4)

3rd

Patient brokering.

582

828.12 (2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

583

831.28 (2) (a)

3rd

Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

584

831.29

2nd

Possession of instruments for counterfeiting driver licenses or identification

591-02127A-17

2017608c1

cards.

585

838.021 (3) (b)

3rd

Threatens unlawful harm to public servant.

586

843.19

3rd

Injure, disable, or kill police dog or horse.

587

860.15 (3)

3rd

Overcharging for repairs and parts.

588

870.01 (2)

3rd

Riot; inciting or encouraging.

589

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).

590

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

591-02127A-17

2017608c1

(4) drugs within 1,000 feet of university.

591

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.

592

893.13(4)(c)

3rd

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

593

893.13(6)(a)

3rd

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

594

893.13(7)(a)8.

3rd

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

595

893.13(7)(a)9.

3rd

Obtain or attempt to obtain controlled substance by

591-02127A-17

2017608c1

fraud, forgery,
misrepresentation, etc.

596

893.13(7)(a)10.

3rd

Affix false or forged label
to package of controlled
substance.

597

893.13(7)(a)11.

3rd

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

598

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.

599

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.

600

591-02127A-17

2017608c1

601

893.13 (8) (a) 3.

3rd

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

602

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.

603

918.13 (1) (a)

3rd

Alter, destroy, or conceal investigation evidence.

604

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

3rd

Introduce contraband to correctional facility.

605

944.47 (1) (c)

2nd

Possess contraband while upon the grounds of a correctional institution.

606

985.721

3rd

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

591-02127A-17

2017608c1

607
608
609
610
611
612
613
614

(d) LEVEL 4

Florida Statute	Felony Degree	Description
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.
499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07 (1)	3rd	Failure to register

591-02127A-17

2017608c1

securities.

615

517.12 (1)

3rd

Failure of dealer,
associated person, or
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

591-02127A-17

2017608c1

official or employee.

622

784.082 (3)

3rd

Battery by detained person on visitor or 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

591-02127A-17

2017608c1

producing child at
custody hearing or
delivering to designated
person.

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.

591-02127A-17

2017608c1

634

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; 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 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

638

812.014 3rd Grand theft, 3rd degree, ~~a will,~~ firearm, motor vehicle, livestock, fire extinguisher, citrus fruit, construction site property etc.
~~(2) (c) 4.-9.~~
~~812.014~~
~~(2) (c) 4.-10.~~

639

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

591-02127A-17

2017608c1

640
641
642
643
644
645
646

817.563 (1)

3rd

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

817.568 (2) (a)

3rd

Fraudulent use of personal identification information.

817.625 (2) (a)

3rd

Fraudulent use of scanning device or reencoder.

828.125 (1)

2nd

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

837.02 (1)

3rd

Perjury in official proceedings.

837.021 (1)

3rd

Make contradictory statements in official proceedings.

	591-02127A-17		2017608c1
647	838.022	3rd	Official misconduct.
648	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
649	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
650	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
651	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
652	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using

591-02127A-17

2017608c1

computer; offender less than 18 years.

653

874.05 (1) (a)

3rd

Encouraging or recruiting another to 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

591-02127A-17

2017608c1

facilitate commission of
a crime.

660

661

662

663 Section 13. For the purpose of incorporating the amendment
664 made by this act to section 316.1301, Florida Statutes, in a
665 reference thereto, paragraph (f) of subsection (3) of section
666 318.18, Florida Statutes, is reenacted to read:

667 318.18 Amount of penalties.—The penalties required for a
668 noncriminal disposition pursuant to s. 318.14 or a criminal
669 offense listed in s. 318.17 are as follows:

670 (3)

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

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

679 318.21 Disposition of civil penalties by county courts.—All
680 civil penalties received by a county court pursuant to the
681 provisions of this chapter shall be distributed and paid monthly
682 as follows:

683 (4) Of the additional fine assessed under s. 318.18(3)(f)
684 for a violation of s. 316.1301, 40 percent must be remitted to
685 the Department of Revenue for deposit in the Grants and
686 Donations Trust Fund of the Division of Blind Services of the

591-02127A-17

2017608c1

687 Department of Education, and 60 percent must be distributed
688 pursuant to subsections (1) and (2).

689 Section 15. For the purpose of incorporating the amendment
690 made by this act to section 316.646, Florida Statutes, in a
691 reference thereto, paragraph (a) of subsection (5) of section
692 320.02, Florida Statutes, is reenacted to read:

693 320.02 Registration required; application for registration;
694 forms.—

695 (5) (a) Proof that personal injury protection benefits have
696 been purchased if required under s. 627.733, that property
697 damage liability coverage has been purchased as required under
698 s. 324.022, that bodily injury or death coverage has been
699 purchased if required under s. 324.023, and that combined bodily
700 liability insurance and property damage liability insurance have
701 been purchased if required under s. 627.7415 shall be provided
702 in the manner prescribed by law by the applicant at the time of
703 application for registration of any motor vehicle that is
704 subject to such requirements. The issuing agent shall refuse to
705 issue registration if such proof of purchase is not provided.
706 Insurers shall furnish uniform proof-of-purchase cards in a
707 paper or electronic format in a form prescribed by the
708 department and include the name of the insured's insurance
709 company, the coverage identification number, and the make, year,
710 and vehicle identification number of the vehicle insured. The
711 card must contain a statement notifying the applicant of the
712 penalty specified under s. 316.646(4). The card or insurance
713 policy, insurance policy binder, or certificate of insurance or
714 a photocopy of any of these; an affidavit containing the name of
715 the insured's insurance company, the insured's policy number,

591-02127A-17

2017608c1

716 and the make and year of the vehicle insured; or such other
717 proof as may be prescribed by the department shall constitute
718 sufficient proof of purchase. If an affidavit is provided as
719 proof, it must be in substantially the following form:

720

721 Under penalty of perjury, I ...(Name of insured)... do hereby
722 certify that I have ...(Personal Injury Protection, Property
723 Damage Liability, and, if required, Bodily Injury Liability)...
724 Insurance currently in effect with ...(Name of insurance
725 company)... under ...(policy number)... covering ...(make, year,
726 and vehicle identification number of vehicle).... ...(Signature
727 of Insured)...

728

729 Such affidavit must include the following warning:

730

731 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
732 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
733 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
734 SUBJECT TO PROSECUTION.

735

736 If an application is made through a licensed motor vehicle
737 dealer as required under s. 319.23, the original or a
738 photostatic copy of such card, insurance policy, insurance
739 policy binder, or certificate of insurance or the original
740 affidavit from the insured shall be forwarded by the dealer to
741 the tax collector of the county or the Department of Highway
742 Safety and Motor Vehicles for processing. By executing the
743 aforesaid affidavit, no licensed motor vehicle dealer will be
744 liable in damages for any inadequacy, insufficiency, or

591-02127A-17

2017608c1

745 falsification of any statement contained therein. A card must
746 also indicate the existence of any bodily injury liability
747 insurance voluntarily purchased.

748 Section 16. For the purpose of incorporating the amendment
749 made by this act to section 812.014, Florida Statutes, in a
750 reference thereto, subsection (10) of section 95.18, Florida
751 Statutes, is reenacted to read:

752 95.18 Real property actions; adverse possession without
753 color of title.—

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

758 Section 17. For the purpose of incorporating the amendment
759 made by this act to section 812.014, Florida Statutes, in a
760 reference thereto, paragraph (c) of subsection (3) of section
761 373.6055, Florida Statutes, is reenacted to read:

762 373.6055 Criminal history checks for certain water
763 management district employees and others.—

764 (3)

765 (c) In addition to other requirements for employment or
766 access established by any water management district pursuant to
767 its water management district's security plan for buildings,
768 facilities, and structures, each water management district's
769 security plan shall provide that:

770 1. Any person who has within the past 7 years been
771 convicted, regardless of whether adjudication was withheld, for
772 a forcible felony as defined in s. 776.08; an act of terrorism
773 as defined in s. 775.30; planting of a hoax bomb as provided in

591-02127A-17

2017608c1

774 s. 790.165; any violation involving the manufacture, possession,
775 sale, delivery, display, use, or attempted or threatened use of
776 a weapon of mass destruction or hoax weapon of mass destruction
777 as provided in s. 790.166; dealing in stolen property; any
778 violation of s. 893.135; any violation involving the sale,
779 manufacturing, delivery, or possession with intent to sell,
780 manufacture, or deliver a controlled substance; burglary;
781 robbery; any felony violation of s. 812.014; any violation of s.
782 790.07; any crime an element of which includes use or possession
783 of a firearm; any conviction for any similar offenses under the
784 laws of another jurisdiction; or conviction for conspiracy to
785 commit any of the listed offenses may not be qualified for
786 initial employment within or authorized regular access to
787 buildings, facilities, or structures defined in the water
788 management district's security plan as restricted access areas.

789 2. Any person who has at any time been convicted of any of
790 the offenses listed in subparagraph 1. may not be qualified for
791 initial employment within or authorized regular access to
792 buildings, facilities, or structures defined in the water
793 management district's security plan as restricted access areas
794 unless, after release from incarceration and any supervision
795 imposed as a sentence, the person remained free from a
796 subsequent conviction, regardless of whether adjudication was
797 withheld, for any of the listed offenses for a period of at
798 least 7 years prior to the employment or access date under
799 consideration.

800 Section 18. For the purpose of incorporating the amendment
801 made by this act to section 812.014, Florida Statutes, in a
802 reference thereto, subsection (3) of section 400.9935, Florida

591-02127A-17

2017608c1

803 Statutes, is reenacted to read:

804 400.9935 Clinic responsibilities.-

805 (3) A charge or reimbursement claim made by or on behalf of
806 a clinic that is required to be licensed under this part but
807 that is not so licensed, or that is otherwise operating in
808 violation of this part, regardless of whether a service is
809 rendered or whether the charge or reimbursement claim is paid,
810 is an unlawful charge and is noncompensable and unenforceable. A
811 person who knowingly makes or causes to be made an unlawful
812 charge commits theft within the meaning of and punishable as
813 provided in s. 812.014.

814 Section 19. For the purpose of incorporating the amendment
815 made by this act to section 812.014, Florida Statutes, in a
816 reference thereto, paragraph (g) of subsection (17) of section
817 409.910, Florida Statutes, is reenacted to read:

818 409.910 Responsibility for payments on behalf of Medicaid-
819 eligible persons when other parties are liable.-

820 (17)

821 (g) The agency may investigate and request appropriate
822 officers or agencies of the state to investigate suspected
823 criminal violations or fraudulent activity related to third-
824 party benefits, including, without limitation, ss. 414.39 and
825 812.014. Such requests may be directed, without limitation, to
826 the Medicaid Fraud Control Unit of the Office of the Attorney
827 General or to any state attorney. Pursuant to s. 409.913, the
828 Attorney General has primary responsibility to investigate and
829 control Medicaid fraud.

830 Section 20. For the purpose of incorporating the amendment
831 made by this act to section 812.014, Florida Statutes, in a

591-02127A-17

2017608c1

832 reference thereto, subsection (4) of section 489.126, Florida
833 Statutes, is reenacted to read:

834 489.126 Moneys received by contractors.—

835 (4) Any person who violates any provision of this section
836 is guilty of theft and shall be prosecuted and punished under s.
837 812.014.

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

842 538.23 Violations and penalties.—

843 (2) A secondary metals recycler is presumed to know upon
844 receipt of stolen regulated metals property in a purchase
845 transaction that the regulated metals property has been stolen
846 from another if the secondary metals recycler knowingly and
847 intentionally fails to maintain the information required in s.
848 538.19 and shall, upon conviction of a violation of s. 812.015,
849 be punished as provided in s. 812.014(2) or (3).

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

854 550.6305 Intertrack wagering; guest track payments;
855 accounting rules.—

856 (10) All races or games conducted at a permitholder's
857 facility, all broadcasts of such races or games, and all
858 broadcast rights relating thereto are owned by the permitholder
859 at whose facility such races or games are conducted and
860 constitute the permitholder's property as defined in s.

591-02127A-17

2017608c1

861 812.012(4). Transmission, reception of a transmission,
862 exhibition, use, or other appropriation of such races or games,
863 broadcasts of such races or games, or broadcast rights relating
864 thereto without the written consent of the permitholder
865 constitutes a theft of such property under s. 812.014; and in
866 addition to the penal sanctions contained in s. 812.014, the
867 permitholder has the right to avail itself of the civil remedies
868 specified in ss. 772.104, 772.11, and 812.035 in addition to any
869 other remedies available under applicable state or federal law.

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

874 634.319 Reporting and accounting for funds.—

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

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

883 634.421 Reporting and accounting for funds.—

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

887 Section 25. For the purpose of incorporating the amendment
888 made by this act to section 812.014, Florida Statutes, in a
889 reference thereto, subsection (3) of section 636.238, Florida

591-02127A-17

2017608c1

890 Statutes, is reenacted to read:

891 636.238 Penalties for violation of this part.—

892 (3) A person who collects fees for purported membership in
893 a discount medical plan but purposefully fails to provide the
894 promised benefits commits a theft, punishable as provided in s.
895 812.014.

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

900 642.038 Reporting and accounting for funds.—

901 (2) Any sales representative who, not being entitled
902 thereto, diverts or appropriates such funds or any portion
903 thereof to his or her own use commits theft as provided in s.
904 812.014.

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

909 705.102 Reporting lost or abandoned property.—

910 (4) Any person who unlawfully appropriates such lost or
911 abandoned property to his or her own use or refuses to deliver
912 such property when required commits theft as defined in s.
913 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
914 775.084.

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

591-02127A-17

2017608c1

919 812.015 Retail and farm theft; transit fare evasion;
920 mandatory fine; alternative punishment; detention and arrest;
921 exemption from liability for false arrest; resisting arrest;
922 penalties.—

923 (2) Upon a second or subsequent conviction for petit theft
924 from a merchant, farmer, or transit agency, the offender shall
925 be punished as provided in s. 812.014(3), except that the court
926 shall impose a fine of not less than \$50 or more than \$1,000.
927 However, in lieu of such fine, the court may require the
928 offender to perform public services designated by the court. In
929 no event shall any such offender be required to perform fewer
930 than the number of hours of public service necessary to satisfy
931 the fine assessed by the court, as provided by this subsection,
932 at the minimum wage prevailing in the state at the time of
933 sentencing.

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

938 812.0155 Suspension of driver license following an
939 adjudication of guilt for theft.—

940 (1) Except as provided in subsections (2) and (3), the
941 court may order the suspension of the driver license of each
942 person adjudicated guilty of any misdemeanor violation of s.
943 812.014 or s. 812.015, regardless of the value of the property
944 stolen. Upon ordering the suspension of the driver license of
945 the person adjudicated guilty, the court shall forward the
946 driver license of the person adjudicated guilty to the
947 Department of Highway Safety and Motor Vehicles in accordance

591-02127A-17

2017608c1

948 with s. 322.25.

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

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

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

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

962 (b) Probation as defined in s. 985.03, commitment to the
963 Department of Juvenile Justice, probation as defined in chapter
964 948, community control, or incarceration, if the person is
965 convicted as an adult of such violation and has not previously
966 been convicted of or adjudicated delinquent for any criminal
967 offense, regardless of whether adjudication was withheld.

968 Section 30. For the purpose of incorporating the amendment
969 made by this act to section 812.014, Florida Statutes, in
970 references thereto, subsections (4), (7), and (8) of section
971 812.14, Florida Statutes, are reenacted to read:

972 812.14 Trespass and larceny with relation to utility
973 fixtures; theft of utility services.—

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

591-02127A-17

2017608c1

977 (7) A person who willfully violates subsection (5) commits
978 a misdemeanor of the first degree, punishable as provided in s.
979 775.082 or s. 775.083. Prosecution for a violation of subsection
980 (5) does not preclude prosecution for theft pursuant to
981 subsection (8) or s. 812.014.

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

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

989 893.138 Local administrative action to abate drug-related,
990 prostitution-related, or stolen-property-related public
991 nuisances and criminal gang activity.-

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

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

997 (b) Section 810.02, relating to burglary;

998 (c) Section 812.014, relating to theft;

999 (d) Section 812.131, relating to robbery by sudden
1000 snatching; or

1001 (e) Section 893.13, relating to the unlawful distribution
1002 of controlled substances,

1003

1004 may be declared to be a public nuisance, and such nuisance may
1005 be abated pursuant to the procedures provided in this section.

591-02127A-17

2017608c1

1006

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