

1 A bill to be entitled
2 An act relating to criminal offenses; amending s.
3 212.15, F.S.; revising threshold amounts for failure
4 to remit taxes offense; amending s. 812.014, F.S.;
5 revising threshold amounts for theft offenses;
6 amending s. 812.015, F.S.; revising threshold amounts
7 for retail theft; amending s. 812.0195, F.S.; revising
8 threshold amounts for dealing in stolen property by
9 use of the Internet offenses; amending ss. 832.04 and
10 832.041, F.S.; revising threshold amounts for stopping
11 payment offenses; amending s. 832.05, F.S.; revising
12 threshold amounts for offenses involving giving
13 worthless checks, drafts, and debit card orders;
14 amending s. 832.062, F.S.; revising threshold amounts
15 for offenses involving payments to the Department of
16 Revenue; amending s. 921.0022, F.S.; conforming
17 provisions to changes made by the act; reenacting ss.
18 634.319, 634.421, 636.238(3), 642.038(2), 705.102(4),
19 812.0155(1), 985.11(1)(b), F.S., and 985.557(1)(a),
20 F.S., relating to reporting and accounting for funds
21 by insurance sales representatives, reporting and
22 accounting for funds by insurance sales
23 representatives or agents, penalties for certain
24 violations involving discount medical plans, reporting
25 and accounting for funds, reporting lost or abandoned

26 | property, suspension of driver license following an
 27 | adjudication of guilt for theft, fingerprinting and
 28 | photographing of juveniles, and direct filing of an
 29 | information against a juvenile, respectively, to
 30 | incorporate the amendments made by the act in cross-
 31 | references to amended provisions; providing an
 32 | effective date.

33 |

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

35 |

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

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

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

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

51 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

56 Section 2. Subsection (2) of section 812.014, Florida
 57 Statutes, is amended to read:

58 812.014 Theft.—

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

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

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

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

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

74
 75 the offender commits grand theft in the first degree, punishable

76 as a felony of the first degree, as provided in s. 775.082, s.
 77 775.083, or s. 775.084.

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

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

84 3. The property stolen is emergency medical equipment,
 85 valued at \$1,000 ~~\$300~~ or more, that is taken from a facility
 86 licensed under chapter 395 or from an aircraft or vehicle
 87 permitted under chapter 401; or

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

91
 92 the offender commits grand theft in the second degree,
 93 punishable as a felony of the second degree, as provided in s.
 94 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
 95 means mechanical or electronic apparatus used to provide
 96 emergency services and care as defined in s. 395.002(9) or to
 97 treat medical emergencies. Law enforcement equipment means any
 98 property, device, or apparatus used by any law enforcement
 99 officer as defined in s. 943.10 in the officer's official
 100 business. However, if the property is stolen within a county

101 that is subject to a state of emergency declared by the Governor
102 under chapter 252, the theft is committed after the declaration
103 of emergency is made, and the perpetration of the theft is
104 facilitated by conditions arising from the emergency, the theft
105 is a felony of the first degree, punishable as provided in s.
106 775.082, s. 775.083, or s. 775.084. As used in this paragraph,
107 the term "conditions arising from the emergency" means civil
108 unrest, power outages, curfews, voluntary or mandatory
109 evacuations, or a reduction in the presence of or response time
110 for first responders or homeland security personnel. For
111 purposes of sentencing under chapter 921, a felony offense that
112 is reclassified under this paragraph is ranked one level above
113 the ranking under s. 921.0022 or s. 921.0023 of the offense
114 committed.

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

- 118 1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.
- 119 2. Valued at \$5,000 or more, but less than \$10,000.
- 120 3. Valued at \$10,000 or more, but less than \$20,000.
- 121 4. A will, codicil, or other testamentary instrument.
- 122 5. A firearm.
- 123 6. A motor vehicle, except as provided in paragraph (a).
- 124 7. Any commercially farmed animal, including any animal of
125 the equine, bovine, or swine class or other grazing animal; a

126 | bee colony of a registered beekeeper; and aquaculture species
 127 | raised at a certified aquaculture facility. If the property
 128 | stolen is aquaculture species raised at a certified aquaculture
 129 | facility, then a \$10,000 fine shall be imposed.

130 | 8. Any fire extinguisher.

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

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

135 | 11. Any stop sign.

136 | 12. Anhydrous ammonia.

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

145 |
 146 | However, if the property is stolen within a county that is
 147 | subject to a state of emergency declared by the Governor under
 148 | chapter 252, the property is stolen after the declaration of
 149 | emergency is made, and the perpetration of the theft is
 150 | facilitated by conditions arising from the emergency, the

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

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

170 (e) Except as provided in paragraph (d), if the property
171 stolen is valued at \$300 ~~\$100~~ or more, but less than \$1,000
172 ~~\$300~~, the offender commits petit theft of the first degree,
173 punishable as a misdemeanor of the first degree, as provided in
174 s. 775.082 or s. 775.083.

175 Section 3. Subsection (8) of section 812.015, Florida

176 Statutes, is amended to read:

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

181 (8) Except as provided in subsection (9), a person who
 182 commits retail theft commits a felony of the third degree,
 183 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 184 if the property stolen is valued at \$500 ~~\$300~~ or more, and the
 185 person:

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

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

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

199 (d) Commits the offense through the purchase of
 200 merchandise in a package or box that contains merchandise other

201 than, or in addition to, the merchandise purported to be
202 contained in the package or box.

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

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

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

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

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

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

220 (1) Whoever, with intent to defraud any producer of farm
221 or grove products or product of such products or product shall,
222 in person or by agent, make, draw, utter, deliver, or give to
223 such producer any check, draft, or written order for the payment
224 of money upon any bank, person, or corporation and secure from
225 such producer such products or product for or on account of such

226 | check, draft, or written order, whether such products or product
 227 | are valued at the amount of such check, draft, or written order
 228 | or at a greater or lesser value, and who shall, pursuant to and
 229 | in furtherance of such intent to defraud, stop payment on such
 230 | check, draft, or written order, commits ~~shall be deemed to be~~
 231 | ~~guilty of~~ a misdemeanor of the first degree, punishable as
 232 | provided in s. 775.082 or s. 775.083, if the value of the
 233 | products or product secured for or on account of such check,
 234 | draft, or written order is \$500 ~~\$150~~ or more; and if the value
 235 | of the products or product secured for or on account of such
 236 | check, draft, or written order is less than \$500 ~~\$150~~, he or she
 237 | commits ~~shall be guilty of~~ a misdemeanor of the second degree,
 238 | punishable as provided in s. 775.082 or s. 775.083.

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

241 | 832.041 Stopping payment with intent to defraud.—

242 | (1) Whoever, with intent to defraud any person shall, in
 243 | person or by agent, make, draw, utter, deliver, or give any
 244 | check, draft, or written order for the payment of money upon any
 245 | bank, person, or corporation and secure from such person goods
 246 | or services for or on account of such check, draft, or written
 247 | order, whether such goods or services are valued at the amount
 248 | of such check, draft, or written order or at a greater or lesser
 249 | value, and who shall, pursuant to and in furtherance of such
 250 | intent to defraud, stop payment on such check, draft, or written

251 order, commits ~~shall be deemed to be guilty of~~ a felony of the
 252 third degree, punishable as provided in s. 775.082, s. 775.083,
 253 or s. 775.084, if the value of the goods or services secured for
 254 or on account of such check, draft, or written order is \$500
 255 ~~\$150~~ or more; and if the value of the goods or services secured
 256 for or on account of such check, draft, or written order is less
 257 than \$500 ~~\$150~~, he or she commits ~~shall be guilty of~~ a
 258 misdemeanor of the second degree, punishable as provided in s.
 259 775.082 or s. 775.083.

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

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

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

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

276 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

288 Section 8. Subsection (2) of section 832.062, Florida
 289 Statutes, is amended, and subsection (1) of that section is
 290 republished to read:

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

294 (1) It is unlawful for any person, firm, or corporation to
 295 draw, make, utter, issue, or deliver to the Department of
 296 Revenue any check, draft, or other written order on any bank or
 297 depository, to use a debit card, to make, send, instruct, order,
 298 or initiate any electronic funds transfer, or to cause or direct
 299 the making, sending, instructing, ordering, or initiating of any
 300 electronic funds transfer, for the payment of any taxes,

301 penalties, interest, fees, or associated amounts administered by
302 the Department of Revenue, knowing at the time of the drawing,
303 making, uttering, issuing, or delivering such check, draft, or
304 other written order, at the time of using such debit card, at
305 the time of making, sending, instructing, ordering, or
306 initiating any electronic funds transfer, or at the time of
307 causing or directing the making, sending, instructing, ordering,
308 initiating, or executing of any electronic funds transfer, that
309 the maker, drawer, sender, or receiver thereof has not
310 sufficient funds on deposit in or credit with such bank or
311 depository with which to pay the same on presentation. This
312 section does not apply to any check or electronic funds transfer
313 when the Department of Revenue knows or has been expressly
314 notified prior to the drawing or uttering of the check or the
315 sending or initiating of the electronic funds transfer, or has
316 reason to believe, that the drawer, sender, or receiver did not
317 have on deposit or to the drawer's, sender's, or receiver's
318 credit with the drawee or receiving bank or depository
319 sufficient funds to ensure payment as aforesaid, and this
320 section does not apply to any postdated check.

321 (2) A violation of this section constitutes a misdemeanor
322 of the second degree, punishable as provided in s. 775.082 or s.
323 775.083, unless the check, draft, debit card order, or other
324 written order drawn, made, uttered, issued, or delivered, or
325 electronic funds transfer made, sent, instructed, ordered, or

326 initiated, or caused or directed to be made, sent, instructed,
 327 ordered, or initiated is in the amount of \$500 ~~\$150~~ or more. In
 328 that event, the violation constitutes a felony of the third
 329 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 330 775.084.

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

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

335 (3) OFFENSE SEVERITY RANKING CHART

336 (a) LEVEL 1

337

Florida Statute	Felony Degree	Description
24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than <u>1,000</u> \$300 but less than \$20,000.

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316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
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.

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348	322.212 (5) (a)	3rd	False application for driver license or identification card.
349	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
350	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
351	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
352	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
353	562.27 (1)	3rd	Possess still or still apparatus.
	713.69	3rd	Tenant removes property upon

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which lien has accrued, value more than \$50.

354

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

355

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

356

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

357

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

358

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

359

826.01 3rd Bigamy.

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360	828.122 (3)	3rd	Fighting or baiting animals.
361	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
362	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
363	832.041 (1)	3rd	Stopping payment with intent to defraud <u>\$500</u> \$150 or more.
364	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.
365	838.15 (2)	3rd	Commercial bribe receiving.
366	838.16	3rd	Commercial bribery.

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367	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
368	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
369	849.01	3rd	Keeping gambling house.
370	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.
371	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
372	849.25(2)	3rd	Engaging in bookmaking.
373	860.08	3rd	Interfere with a railroad signal.
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375	860.13(1)(a)	3rd	Operate aircraft while under the influence.
376	893.13(2)(a)2.	3rd	Purchase of cannabis.
377	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
378	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
379	(b) LEVEL 2		
380			
381	Florida Statute	Felony Degree	Description
382	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 Turtle Protection

Act.

383

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.

384

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

385

590.28(1) 3rd Intentional burning of lands.

386

784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

387

787.04(1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

388

806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other

public service.

389

810.061 (2) 3rd Impairing or impeding telephone
or power to a dwelling;
facilitating or furthering
burglary.

390

810.09 (2) (e) 3rd Trespassing on posted
commercial horticulture
property.

391

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

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812.014 (2) (d) 3rd Grand theft, 3rd degree; \$500
~~\$100~~ or more but less than
\$1,000 ~~\$300~~, taken from
unenclosed curtilage of
dwelling.

393

812.015 (7) 3rd Possession, use, or attempted
use of an antishoplifting or
inventory control device
countermeasure.

394	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
395	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
396	817.52(3)	3rd	Failure to redeliver hired vehicle.
397	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
398	817.60(5)	3rd	Dealing in credit cards of another.
399	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
400	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.

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401	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
402	831.01	3rd	Forgery.
403	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
404	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
405	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
406	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
407	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.

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408	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
409	843.08	3rd	False personation.
410	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.
411	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
412			
413	(d) LEVEL 4		
414			
	Florida	Felony	
	Statute	Degree	Description
415	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.

416

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

417

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

418

517.07 (1) 3rd Failure to register securities.

419

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

420

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

421

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

422

784.075 3rd Battery on detention or

commitment facility staff.

423

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

424

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

425

784.081 (3) 3rd Battery on specified official or employee.

426

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

427

784.083 (3) 3rd Battery on code inspector.

428

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

429

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

430	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
431	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
432	787.07	3rd	Human smuggling.
433	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
434	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
435	790.115 (2) (c)	3rd	Possessing firearm on school property.
436			

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437	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
438	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
439	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
440	810.06	3rd	Burglary; possession of tools.
441	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
442	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.

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443	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen <u>\$500</u> \$300 or more.
444	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
445	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
446	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
447	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
448	837.02(1)	3rd	Perjury in official proceedings.
449	837.021(1)	3rd	Make contradictory statements

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in official proceedings.

450

838.022 3rd Official misconduct.

451

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

452

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

453

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

454

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

455

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

456

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457	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
458	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
459	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).
460	914.14 (2)	3rd	Witnesses accepting bribes.
461	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
462	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
463	918.12	3rd	Tampering with jurors.
	934.215	3rd	Use of two-way communications

device to facilitate commission
of a crime.

464

465 (e) LEVEL 5

466

Florida Felony

Statute Degree Description

467

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

468

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

469

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

470

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

471

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

472

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

473

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

474

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

undersized spiny lobsters.

475 381.0041 (11) (b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

476 440.10 (1) (g) 2nd Failure to obtain workers'
compensation coverage.

477 440.105 (5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

478 440.381 (2) 2nd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

479 624.401 (4) (b) 2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

480 626.902 (1) (c) 2nd Representing an unauthorized
insurer; repeat offender.

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481	790.01 (2)	3rd	Carrying a concealed firearm.
482	790.162	2nd	Threat to throw or discharge destructive device.
483	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
484	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
485	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
486	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
487	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
488			

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489	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
490	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
491	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
492	812.015 (8)	3rd	Retail theft; property stolen is valued at <u>\$500</u> \$300 or more and one or more specified acts.
493	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
494	812.131 (2) (b)	3rd	Robbery by sudden snatching.
495	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.

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496	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
497	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
498	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
499	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14

counterfeit credit cards or related documents.

500

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

501

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

502

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

503

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

504

839.13 (2) (b) 2nd Falsifying records of an individual in the care and

custody of a state agency
involving great bodily harm or
death.

505

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

506

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

507

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

508

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

509

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

510

874.05 (2) (a) 2nd Encouraging or recruiting

person under 13 years of age to
join a criminal gang.

511

893.13(1)(a)1. 2nd Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs).

512

893.13(1)(c)2. 2nd Sell, manufacture, or deliver
cannabis (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) drugs)
within 1,000 feet of a child
care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

513

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

(2) (a), (2) (b), or (2) (c) 4.
 drugs) within 1,000 feet of
 university.

514

893.13(1) (e) 2.

2nd

Sell, manufacture, or deliver
 cannabis or other drug
 prohibited under s.

893.03(1) (c), (2) (c) 1.,
 (2) (c) 2., (2) (c) 3., (2) (c) 5.,
 (2) (c) 6., (2) (c) 7., (2) (c) 8.,
 (2) (c) 9., (3), or (4) within
 1,000 feet of property used for
 religious services or a
 specified business site.

515

893.13(1) (f) 1.

1st

Sell, manufacture, or deliver
 cocaine (or other s.

893.03(1) (a), (1) (b), (1) (d),
 or (2) (a), (2) (b), or (2) (c) 4.
 drugs) within 1,000 feet of
 public housing facility.

516

893.13(4) (b)

2nd

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

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

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

634.319 Reporting and accounting for funds.—

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

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

Section 11. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, section 634.421, Florida Statutes, is

539 reenacted to read:

540 634.421 Reporting and accounting for funds.—

541 (1) All funds belonging to insurers, service warranty
542 associations, or others received by a sales representative in
543 transactions under her or his license or appointment are trust
544 funds so received by the sales representative or agent in a
545 fiduciary capacity; and the sales representative or agent, in
546 the applicable regular course of business, shall account for and
547 pay such funds to the insurer, association, warranty holder, or
548 other person entitled thereto.

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

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

556 636.238 Penalties for violation of this part.—

557 (3) A person who collects fees for purported membership in
558 a discount medical plan but purposefully fails to provide the
559 promised benefits commits a theft, punishable as provided in s.
560 812.014.

561 Section 13. For the purpose of incorporating the amendment
562 made by this act to section 812.014, Florida Statutes, in a
563 reference thereto, subsection (2) of section 642.038, Florida

564 Statutes, is reenacted to read:

565 642.038 Reporting and accounting for funds.—

566 (2) Any sales representative who, not being entitled
567 thereto, diverts or appropriates such funds or any portion
568 thereof to his or her own use commits theft as provided in s.
569 812.014.

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

574 705.102 Reporting lost or abandoned property.—

575 (4) Any person who unlawfully appropriates such lost or
576 abandoned property to his or her own use or refuses to deliver
577 such property when required commits theft as defined in s.
578 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
579 775.084.

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

584 812.0155 Suspension of driver license following an
585 adjudication of guilt for theft.—

586 (1) Except as provided in subsections (2) and (3), the
587 court may order the suspension of the driver license of each
588 person adjudicated guilty of any misdemeanor violation of s.

589 812.014 or s. 812.015, regardless of the value of the property
 590 stolen. Upon ordering the suspension of the driver license of
 591 the person adjudicated guilty, the court shall forward the
 592 driver license of the person adjudicated guilty to the
 593 Department of Highway Safety and Motor Vehicles in accordance
 594 with s. 322.25.

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

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

599 Section 16. For the purpose of incorporating the amendment
 600 made by this act to section 812.014, Florida Statutes, in a
 601 reference thereto, paragraph (b) of subsection (1) of section
 602 985.11, Florida Statutes, is reenacted to read:

603 985.11 Fingerprinting and photographing.—

604 (1)

605 (b) Unless the child is issued a civil citation or is
 606 participating in a similar diversion program pursuant to s.
 607 985.12, a child who is charged with or found to have committed
 608 one of the following offenses shall be fingerprinted, and the
 609 fingerprints shall be submitted to the Department of Law
 610 Enforcement as provided in s. 943.051(3)(b):

- 611 1. Assault, as defined in s. 784.011.
- 612 2. Battery, as defined in s. 784.03.
- 613 3. Carrying a concealed weapon, as defined in s.

614 790.01(1).

615 4. Unlawful use of destructive devices or bombs, as

616 defined in s. 790.1615(1).

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

618 6. Assault on a law enforcement officer, a firefighter, or

619 other specified officers, as defined in s. 784.07(2)(a).

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

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

622 9. Unlawful possession of a firearm, as defined in s.

623 790.22(5).

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

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

626 12. Arson, resulting in bodily harm to a firefighter, as

627 defined in s. 806.031(1).

628 13. Unlawful possession or discharge of a weapon or

629 firearm at a school-sponsored event or on school property as

630 defined in s. 790.115.

631

632 A law enforcement agency may fingerprint and photograph a child

633 taken into custody upon probable cause that such child has

634 committed any other violation of law, as the agency deems

635 appropriate. Such fingerprint records and photographs shall be

636 retained by the law enforcement agency in a separate file, and

637 these records and all copies thereof must be marked "Juvenile

638 Confidential." These records are not available for public

639 disclosure and inspection under s. 119.07(1) except as provided
640 in ss. 943.053 and 985.04(2), but shall be available to other
641 law enforcement agencies, criminal justice agencies, state
642 attorneys, the courts, the child, the parents or legal
643 custodians of the child, their attorneys, and any other person
644 authorized by the court to have access to such records. In
645 addition, such records may be submitted to the Department of Law
646 Enforcement for inclusion in the state criminal history records
647 and used by criminal justice agencies for criminal justice
648 purposes. These records may, in the discretion of the court, be
649 open to inspection by anyone upon a showing of cause. The
650 fingerprint and photograph records shall be produced in the
651 court whenever directed by the court. Any photograph taken
652 pursuant to this section may be shown by a law enforcement
653 officer to any victim or witness of a crime for the purpose of
654 identifying the person who committed such crime.

655 Section 17. For the purpose of incorporating the amendment
656 made by this act to section 812.014, Florida Statutes, in a
657 reference thereto, paragraph (a) of subsection (1) of section
658 985.557, Florida Statutes, is reenacted to read:

659 985.557 Direct filing of an information; discretionary and
660 mandatory criteria.—

661 (1) DISCRETIONARY DIRECT FILE.—

662 (a) With respect to any child who was 14 or 15 years of
663 age at the time the alleged offense was committed, the state

664 attorney may file an information when in the state attorney's
 665 judgment and discretion the public interest requires that adult
 666 sanctions be considered or imposed and when the offense charged
 667 is for the commission of, attempt to commit, or conspiracy to
 668 commit:

- 669 1. Arson;
- 670 2. Sexual battery;
- 671 3. Robbery;
- 672 4. Kidnapping;
- 673 5. Aggravated child abuse;
- 674 6. Aggravated assault;
- 675 7. Aggravated stalking;
- 676 8. Murder;
- 677 9. Manslaughter;
- 678 10. Unlawful throwing, placing, or discharging of a
 679 destructive device or bomb;
- 680 11. Armed burglary in violation of s. 810.02(2)(b) or
 681 specified burglary of a dwelling or structure in violation of s.
 682 810.02(2)(c), or burglary with an assault or battery in
 683 violation of s. 810.02(2)(a);
- 684 12. Aggravated battery;
- 685 13. Any lewd or lascivious offense committed upon or in
 686 the presence of a person less than 16 years of age;
- 687 14. Carrying, displaying, using, threatening, or
 688 attempting to use a weapon or firearm during the commission of a

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689 felony;

690 15. Grand theft in violation of s. 812.014(2)(a);

691 16. Possessing or discharging any weapon or firearm on

692 school property in violation of s. 790.115;

693 17. Home invasion robbery;

694 18. Carjacking; or

695 19. Grand theft of a motor vehicle in violation of s.

696 812.014(2)(c)6. or grand theft of a motor vehicle valued at

697 \$20,000 or more in violation of s. 812.014(2)(b) if the child

698 has a previous adjudication for grand theft of a motor vehicle

699 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

700 Section 18. This act shall take effect July 1, 2017.