



711458

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/02/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 2200 and 2201
insert:

Section 34. Paragraphs (c), (d), and (e) of subsection (2) and paragraphs (a), (b), and (c) of subsection (3) of section 812.014, Florida Statutes, are amended to read:

812.014 Theft.—

(2)

(c) It is grand theft of the third degree and a felony of



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11 the third degree, punishable as provided in s. 775.082, s.
12 775.083, or s. 775.084, if the property stolen is:
13 1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.
14 2. Valued at \$5,000 or more, but less than \$10,000.
15 3. Valued at \$10,000 or more, but less than \$20,000.
16 ~~4. A will, codicil, or other testamentary instrument.~~
17 ~~4.5.~~ A firearm.
18 ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).
19 ~~6.7.~~ Any commercially farmed animal, including any animal
20 of the equine, bovine, or swine class or other grazing animal; a
21 bee colony of a registered beekeeper; and aquaculture species
22 raised at a certified aquaculture facility. If the property
23 stolen is aquaculture species raised at a certified aquaculture
24 facility, then a \$10,000 fine shall be imposed.
25 ~~8. Any fire extinguisher.~~
26 ~~7.9.~~ Any amount of citrus fruit consisting of 2,000 or more
27 individual pieces of fruit.
28 ~~10. Taken from a designated construction site identified by~~
29 ~~the posting of a sign as provided for in s. 810.09(2)(d).~~
30 ~~11. Any stop sign.~~
31 ~~12. Anhydrous ammonia.~~
32 ~~8.13.~~ Any amount of a controlled substance as defined in s.
33 893.02. Notwithstanding any other law, separate judgments and
34 sentences for theft of a controlled substance under this
35 subparagraph and for any applicable possession of controlled
36 substance offense under s. 893.13 or trafficking in controlled
37 substance offense under s. 893.135 may be imposed when all such
38 offenses involve the same amount or amounts of a controlled
39 substance.



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40
41 However, if the property is stolen within a county that is
42 subject to a state of emergency declared by the Governor under
43 chapter 252, the property is stolen after the declaration of
44 emergency is made, and the perpetration of the theft is
45 facilitated by conditions arising from the emergency, the
46 offender commits a felony of the second degree, punishable as
47 provided in s. 775.082, s. 775.083, or s. 775.084, if the
48 property is valued at \$5,000 or more, but less than \$10,000, as
49 provided under subparagraph 2., or if the property is valued at
50 \$10,000 or more, but less than \$20,000, as provided under
51 subparagraph 3. As used in this paragraph, the term "conditions
52 arising from the emergency" means civil unrest, power outages,
53 curfews, voluntary or mandatory evacuations, or a reduction in
54 the presence of or the response time for first responders or
55 homeland security personnel. For purposes of sentencing under
56 chapter 921, a felony offense that is reclassified under this
57 paragraph is ranked one level above the ranking under s.
58 921.0022 or s. 921.0023 of the offense committed.

59 (d) It is grand theft of the third degree and a felony of
60 the third degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084, if the property stolen is valued at
62 \$1,000 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken
63 from a dwelling as defined in s. 810.011(2) or from the
64 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

65 (e) Except as provided in paragraph (d), if the property
66 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,000
67 ~~\$300~~, the offender commits petit theft of the first degree,
68 punishable as a misdemeanor of the first degree, as provided in



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69 s. 775.082 or s. 775.083.

70 (3) (a) Theft of any property not specified in subsection
71 (2) is petit theft of the second degree and a misdemeanor of the
72 second degree, punishable as provided in s. 775.082 or s.
73 775.083, and as provided in subsection (5), as applicable.

74 (b) A person who commits petit theft and who has previously
75 been convicted of any theft commits a misdemeanor of the first
76 degree, punishable as provided in s. 775.082 or s. 775.083.

77 (c) A person who commits petit theft of the first degree
78 and who has previously been convicted two or more times of any
79 theft as an adult commits a felony of the third degree,
80 punishable as provided in s. 775.082 or s. 775.083, if the third
81 or subsequent petit theft offense occurs within 3 years of his
82 or her most recent theft conviction.

83 Section 35. Subsections (8) and (9) of section 812.015,
84 Florida Statutes, are amended to read:

85 812.015 Retail and farm theft; transit fare evasion;
86 mandatory fine; alternative punishment; detention and arrest;
87 exemption from liability for false arrest; resisting arrest;
88 penalties.—

89 (8) Except as provided in subsection (9), a person who
90 commits retail theft commits a felony of the third degree,
91 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
92 if the property stolen is valued at \$1,000 ~~\$300~~ or more, and the
93 person:

94 (a) Individually, or in concert with one or more other
95 persons, coordinates the activities of one or more individuals
96 in committing the offense, in which case the amount of each
97 individual theft is aggregated to determine the value of the



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98 property stolen;

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

102 (c) Acts in concert with one or more other individuals
103 within one or more establishments to distract the merchant,
104 merchant's employee, or law enforcement officer in order to
105 carry out the offense, or acts in other ways to coordinate
106 efforts to carry out the offense; or

107 (d) Commits the offense through the purchase of merchandise
108 in a package or box that contains merchandise other than, or in
109 addition to, the merchandise purported to be contained in the
110 package or box.

111 (9) A person commits a felony of the second degree,
112 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
113 if the person:

114 (a) Violates subsection (8) as an adult and within 3 years
115 prior to the violation he or she has ~~previously~~ been convicted
116 as an adult of a violation of subsection (8); or

117 (b) Individually, or in concert with one or more other
118 persons, coordinates the activities of one or more persons in
119 committing the offense of retail theft where the stolen property
120 has a value in excess of \$3,000.

121 Section 36. Paragraphs (a), (b), (d), (e), and (f) of
122 subsection (3) of section 921.0022, Florida Statutes, are
123 amended to read:

124 921.0022 Criminal Punishment Code; offense severity ranking
125 chart.—

126 (3) OFFENSE SEVERITY RANKING CHART



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127 (a) LEVEL 1

128

Florida
Statute

Felony
Degree

Description

129

24.118(3)(a)

3rd

Counterfeit or altered state
lottery ticket.

130

212.054(2)(b)

3rd

Discretionary sales surtax;
limitations, administration,
and collection.

131

212.15(2)(b)

3rd

Failure to remit sales
taxes, amount greater than
\$300 but less than \$20,000.

132

316.1935(1)

3rd

Fleeing or attempting to
elude law enforcement
officer.

133

319.30(5)

3rd

Sell, exchange, give away
certificate of title or
identification number plate.

134

319.35(1)(a)

3rd

Tamper, adjust, change,
etc., an odometer.

135

320.26(1)(a)

3rd

Counterfeit, manufacture, or
sell registration license



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136

322.212
(1) (a) - (c)

3rd

plates or validation
stickers.

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

137

322.212 (4)

3rd

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

138

322.212 (5) (a)

3rd

False application for driver
license or identification
card.

139

414.39 (3) (a)

3rd

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

140

443.071 (1)

3rd

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

141

509.151 (1)

3rd

Defraud an innkeeper, food
or lodging value greater



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than \$300.

142

517.302(1) 3rd Violation of the Florida Securities and Investor Protection Act.

143

562.27(1) 3rd Possess still or still apparatus.

144

713.69 3rd Tenant removes property upon which lien has accrued, value more than \$50.

145

812.014(3)(c) 3rd Petit theft as adult (3rd or subsequent conviction) within certain time; theft of any property not specified in subsection (2).

146

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

147

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

148

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



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149			services.
	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
150			
	826.01	3rd	Bigamy.
151			
	828.122(3)	3rd	Fighting or baiting animals.
152			
	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
153			
	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
154			
	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
155			
	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless



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156			check \$150 or more.
157	838.15(2)	3rd	Commercial bribe receiving.
158	838.16	3rd	Commercial bribery.
159	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
160	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
161	849.01	3rd	Keeping gambling house.
162	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.
163	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
164	849.25(2)	3rd	Engaging in bookmaking.
	860.08	3rd	Interfere with a railroad



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signal.

165

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

166

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

167

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

168

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

169

170

171

172 (b) LEVEL 2

173

Florida Statute	Felony Degree	Description
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174

379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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175

379.2431	3rd	Possession of more than
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176	(1) (e) 4.		11 marine turtle eggs in violation of the Marine Turtle Protection Act.
	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.
177	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
178	590.28 (1)	3rd	Intentional burning of lands.
179	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
180	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.



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181	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
182	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
183	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
184	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u> \$300 or more but less than \$5,000.
185	812.014(2)(d)	3rd	Grand theft, 3rd degree; <u>\$1,000</u> \$100 or more but less than <u>\$5,000</u> \$300 , taken from unenclosed curtilage of dwelling.
186	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or



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187			inventory control device countermeasure.
	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
188			
	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
189			
	817.52(3)	3rd	Failure to redeliver hired vehicle.
190			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
191			
	817.60(5)	3rd	Dealing in credit cards of another.
192			
	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
193			
	817.61	3rd	Fraudulent use of credit



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194			cards over \$100 or more within 6 months.
195	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
196	831.01	3rd	Forgery.
197	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
198	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
199	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
200	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



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201			notes.
	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
202			
	843.08	3rd	False personation.
203			
	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.
204			
	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
205			
206			
207	(d) LEVEL 4		
208			
	Florida	Felony	
	Statute	Degree	Description
209			
	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing



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210	499.0051 (1)	3rd	or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
211	499.0051 (5)	2nd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
212	517.07 (1)	3rd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
213	517.12 (1)	3rd	Failure to register securities.
214	784.07 (2) (b)	3rd	Failure of dealer, associated person, or issuer of securities to register. Battery of law enforcement officer, firefighter, etc.



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215	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
216	784.075	3rd	Battery on detention or commitment facility staff.
217	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
218	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
219	784.081 (3)	3rd	Battery on specified official or employee.
220	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
221	784.083 (3)	3rd	Battery on code inspector.
222	784.085	3rd	Battery of child by



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223	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
224	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
225	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
226	787.07	3rd	Human smuggling.
227	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.



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228	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
229	790.115 (2) (c)	3rd	Possessing firearm on school property.
230	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
231	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
232	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
233	810.06	3rd	Burglary; possession of tools.
234			



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235	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
236	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
237	<u>812.014</u> <u>(2) (c) 4.-7.</u> 812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, <u>bee colony, aquaculture species, citrus fruit</u> etc.
238	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
239	817.505 (4) (a)	3rd	Patient brokering.
240	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



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241	817.625 (2) (a)	3rd	personal identification information.
242	817.625 (2) (c)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
243	828.125 (1)	2nd	Possess, sell, or deliver skimming device.
244	837.02 (1)	3rd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
245	837.021 (1)	3rd	Perjury in official proceedings.
246	838.022	3rd	Make contradictory statements in official proceedings.
247	839.13 (2) (a)	3rd	Official misconduct.
			Falsifying records of an individual in the care



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248			and custody of a state agency.
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
249			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
250			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
251			
	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
252			
	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
253			
	874.05 (1) (a)	3rd	Encouraging or



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254			recruiting another to join a criminal gang.
	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
255			
	914.14 (2)	3rd	Witnesses accepting bribes.
256			
	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
257			
	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
258			
	918.12	3rd	Tampering with jurors.
259			
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
260			
261			



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262 (e) LEVEL 5

263

Florida
Statute

Felony
Degree

Description

264

316.027(2)(a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

265

316.1935(4)(a)

2nd

Aggravated fleeing or
eluding.

266

316.80(2)

2nd

Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

267

322.34(6)

3rd

Careless operation of
motor vehicle with
suspended license,
resulting in death or
serious bodily injury.

268

327.30(5)

3rd

Vessel accidents
involving personal
injury; leaving scene.

269

379.365(2)(c)1.

3rd

Violation of rules



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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.

270

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap,



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271			line, or buoy.
	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
272			
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
273			
	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
274			
	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
275			
	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
276			
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or



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277			authority; premium collected \$20,000 or more but less than \$100,000.
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
278			
	790.01 (2)	3rd	Carrying a concealed firearm.
279			
	790.162	2nd	Threat to throw or discharge destructive device.
280			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
281			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
282			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or



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283			devices.
284	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
285	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
286	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
287	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
288	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
289	812.015 (8)	3rd	Retail theft; property stolen is valued at <u>\$1,000</u> \$300 or more and one or more specified acts.



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290	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
291	812.131 (2) (b)	3rd	Robbery by sudden snatching.
292	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
293	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
294	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
295	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.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification



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296			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.
297	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
298	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
299	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
	827.071 (4)	2nd	Possess with intent to promote any photographic



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300	827.071 (5)	3rd	material, motion picture, etc., which includes sexual conduct by a child.
301	839.13 (2) (b)	2nd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
302	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
303	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
304	847.0137	3rd	Lewd or lascivious exhibition using computer; offender 18 years or older.
			Transmission of



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305	(2) & (3)		pornography by electronic device or equipment.
	847.0138	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
306	(2) & (3)		
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
307			
	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
308			
	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).
309			
	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or



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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.

310

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.

311

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.,



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

312

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.

313

893.13(4)(b)

2nd

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

314

893.1351(1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.

315

316

317

(f) LEVEL 6

318

Florida
Statute

Felony
Degree

Description



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319	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
320	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
321	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
322	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
323	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
324	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
325	775.0875 (1)	3rd	Taking firearm from law



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326			enforcement officer.
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
327			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
328			
	784.041	3rd	Felony battery; domestic battery by strangulation.
329			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
330			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
331			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
332			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
333			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age



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334			or older.
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
335			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
336			
	784.083 (2)	2nd	Aggravated assault on code inspector.
337			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
338			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
339			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
340			
	790.164 (1)	2nd	False report concerning



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346			years of age or older.
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
347			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
348			
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
349			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
350			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
351			
	812.015 (9) (a)	2nd	Retail theft <u>as adult</u> ; property stolen <u>\$1,000</u> \$300 or more; second or subsequent conviction <u>within certain time</u> .



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352	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
353	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
354	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
355	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
356	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
357	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
358	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.



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359	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
360	827.03 (2) (c)	3rd	Abuse of a child.
361	827.03 (2) (d)	3rd	Neglect of a child.
362	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
363	836.05	2nd	Threats; extortion.
364	836.10	2nd	Written threats to kill or do bodily injury.
365	843.12	3rd	Aids or assists person to escape.
366	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.



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367	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
368	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
369	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
370	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
371	944.40	2nd	Escapes.
372	944.46	3rd	Harboring, concealing,



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aiding escaped
prisoners.

373

944.47(1)(a)5.

2nd

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

374

951.22(1)

3rd

Intoxicating drug,
firearm, or weapon
introduced into county
facility.

375

376

377 Section 37. Paragraph (a) of subsection (1) and paragraph
378 (c) of subsection (2) of section 985.557, Florida Statutes, are
379 amended to read:

380 985.557 Direct filing of an information; discretionary and
381 mandatory criteria.—

382 (1) DISCRETIONARY DIRECT FILE.—

383 (a) With respect to any child who was 14 or 15 years of age
384 at the time the alleged offense was committed, the state
385 attorney may file an information when in the state attorney's
386 judgment and discretion the public interest requires that adult
387 sanctions be considered or imposed and when the offense charged
388 is for the commission of, attempt to commit, or conspiracy to
389 commit:

390 1. Arson;



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- 391 2. Sexual battery;
- 392 3. Robbery;
- 393 4. Kidnapping;
- 394 5. Aggravated child abuse;
- 395 6. Aggravated assault;
- 396 7. Aggravated stalking;
- 397 8. Murder;
- 398 9. Manslaughter;
- 399 10. Unlawful throwing, placing, or discharging of a
400 destructive device or bomb;
- 401 11. Armed burglary in violation of s. 810.02(2)(b) or
402 specified burglary of a dwelling or structure in violation of s.
403 810.02(2)(c), or burglary with an assault or battery in
404 violation of s. 810.02(2)(a);
- 405 12. Aggravated battery;
- 406 13. Any lewd or lascivious offense committed upon or in the
407 presence of a person less than 16 years of age;
- 408 14. Carrying, displaying, using, threatening, or attempting
409 to use a weapon or firearm during the commission of a felony;
- 410 15. Grand theft in violation of s. 812.014(2)(a);
- 411 16. Possessing or discharging any weapon or firearm on
412 school property in violation of s. 790.115;
- 413 17. Home invasion robbery;
- 414 18. Carjacking; or
- 415 19. Grand theft of a motor vehicle in violation of s.
416 812.014(2)(c)5. ~~s. 812.014(2)(c)6.~~ or grand theft of a motor
417 vehicle valued at \$20,000 or more in violation of s.
418 812.014(2)(b) if the child has a previous adjudication for grand
419 theft of a motor vehicle in violation of s. 812.014(2)(c)5. ~~s.~~



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420 ~~812.014(2)(e)6.~~ or s. 812.014(2)(b).

421 (2) MANDATORY DIRECT FILE.—

422 (c) The state attorney must file an information if a child,
423 regardless of the child's age at the time the alleged offense
424 was committed, is alleged to have committed an act that would be
425 a violation of law if the child were an adult, that involves
426 stealing a motor vehicle, including, but not limited to, a
427 violation of s. 812.133, relating to carjacking, or s.
428 812.014(2)(c)5. ~~s. 812.014(2)(e)6.~~, relating to grand theft of a
429 motor vehicle, and while the child was in possession of the
430 stolen motor vehicle the child caused serious bodily injury to
431 or the death of a person who was not involved in the underlying
432 offense. For purposes of this section, the driver and all
433 willing passengers in the stolen motor vehicle at the time such
434 serious bodily injury or death is inflicted shall also be
435 subject to mandatory transfer to adult court. "Stolen motor
436 vehicle," for the purposes of this section, means a motor
437 vehicle that has been the subject of any criminal wrongful
438 taking. For purposes of this section, "willing passengers" means
439 all willing passengers who have participated in the underlying
440 offense.

441 Section 38. For the purpose of incorporating the amendment
442 made by this act to section 812.014, Florida Statutes, in a
443 reference thereto, subsection (10) of section 95.18, Florida
444 Statutes, is reenacted to read:

445 95.18 Real property actions; adverse possession without
446 color of title.—

447 (10) A person who occupies or attempts to occupy a
448 residential structure solely by claim of adverse possession



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449 under this section and offers the property for lease to another
450 commits theft under s. 812.014.

451 Section 39. For the purpose of incorporating the amendment
452 made by this act to section 812.014, Florida Statutes, in a
453 reference thereto, paragraph (c) of subsection (3) of section
454 373.6055, Florida Statutes, is reenacted to read:

455 373.6055 Criminal history checks for certain water
456 management district employees and others.—

457 (3)

458 (c) In addition to other requirements for employment or
459 access established by any water management district pursuant to
460 its water management district's security plan for buildings,
461 facilities, and structures, each water management district's
462 security plan shall provide that:

463 1. Any person who has within the past 7 years been
464 convicted, regardless of whether adjudication was withheld, for
465 a forcible felony as defined in s. 776.08; an act of terrorism
466 as defined in s. 775.30; planting of a hoax bomb as provided in
467 s. 790.165; any violation involving the manufacture, possession,
468 sale, delivery, display, use, or attempted or threatened use of
469 a weapon of mass destruction or hoax weapon of mass destruction
470 as provided in s. 790.166; dealing in stolen property; any
471 violation of s. 893.135; any violation involving the sale,
472 manufacturing, delivery, or possession with intent to sell,
473 manufacture, or deliver a controlled substance; burglary;
474 robbery; any felony violation of s. 812.014; any violation of s.
475 790.07; any crime an element of which includes use or possession
476 of a firearm; any conviction for any similar offenses under the
477 laws of another jurisdiction; or conviction for conspiracy to



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478 commit any of the listed offenses may not be qualified for
479 initial employment within or authorized regular access to
480 buildings, facilities, or structures defined in the water
481 management district's security plan as restricted access areas.

482 2. Any person who has at any time been convicted of any of
483 the offenses listed in subparagraph 1. may not be qualified for
484 initial employment within or authorized regular access to
485 buildings, facilities, or structures defined in the water
486 management district's security plan as restricted access areas
487 unless, after release from incarceration and any supervision
488 imposed as a sentence, the person remained free from a
489 subsequent conviction, regardless of whether adjudication was
490 withheld, for any of the listed offenses for a period of at
491 least 7 years prior to the employment or access date under
492 consideration.

493 Section 40. For the purpose of incorporating the amendment
494 made by this act to section 812.014, Florida Statutes, in a
495 reference thereto, subsection (3) of section 400.9935, Florida
496 Statutes, is reenacted to read:

497 400.9935 Clinic responsibilities.—

498 (3) A charge or reimbursement claim made by or on behalf of
499 a clinic that is required to be licensed under this part but
500 that is not so licensed, or that is otherwise operating in
501 violation of this part, regardless of whether a service is
502 rendered or whether the charge or reimbursement claim is paid,
503 is an unlawful charge and is noncompensable and unenforceable. A
504 person who knowingly makes or causes to be made an unlawful
505 charge commits theft within the meaning of and punishable as
506 provided in s. 812.014.



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507 Section 41. For the purpose of incorporating the amendment
508 made by this act to section 812.014, Florida Statutes, in a
509 reference thereto, paragraph (g) of subsection (17) of section
510 409.910, Florida Statutes, is reenacted to read:

511 409.910 Responsibility for payments on behalf of Medicaid-
512 eligible persons when other parties are liable.-

513 (17)

514 (g) The agency may investigate and request appropriate
515 officers or agencies of the state to investigate suspected
516 criminal violations or fraudulent activity related to third-
517 party benefits, including, without limitation, ss. 414.39 and
518 812.014. Such requests may be directed, without limitation, to
519 the Medicaid Fraud Control Unit of the Office of the Attorney
520 General or to any state attorney. Pursuant to s. 409.913, the
521 Attorney General has primary responsibility to investigate and
522 control Medicaid fraud.

523 Section 42. For the purpose of incorporating the amendment
524 made by this act to section 812.014, Florida Statutes, in a
525 reference thereto, subsection (4) of section 489.126, Florida
526 Statutes, is reenacted to read:

527 489.126 Moneys received by contractors.-

528 (4) Any person who violates any provision of this section
529 is guilty of theft and shall be prosecuted and punished under s.
530 812.014.

531 Section 43. For the purpose of incorporating the amendment
532 made by this act to section 812.015, Florida Statutes, in a
533 reference thereto, subsection (5) of section 538.09, Florida
534 Statutes, is reenacted to read:

535 538.09 Registration.-



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536 (5) In addition to the fine provided in subsection (4),
537 registration under this section may be denied or any
538 registration granted may be revoked, restricted, or suspended by
539 the department if the department determines that the applicant
540 or registrant:

541 (a) Has violated any provision of this chapter or any rule
542 or order made pursuant to this chapter;

543 (b) Has made a material false statement in the application
544 for registration;

545 (c) Has been guilty of a fraudulent act in connection with
546 any purchase or sale or has been or is engaged in or is about to
547 engage in any practice, purchase, or sale which is fraudulent or
548 in violation of the law;

549 (d) Has made a misrepresentation or false statement to, or
550 concealed any essential or material fact from, any person in
551 making any purchase or sale;

552 (e) Is making purchases or sales through any business
553 associate not registered in compliance with the provisions of
554 this chapter;

555 (f) Has, within the preceding 10-year period for new
556 registrants who apply for registration on or after October 1,
557 2006, been convicted of, or has entered a plea of guilty or nolo
558 contendere to, or had adjudication withheld for, a crime against
559 the laws of this state or any other state or of the United
560 States which relates to registration as a secondhand dealer or
561 which involves theft, larceny, dealing in stolen property,
562 receiving stolen property, burglary, embezzlement, obtaining
563 property by false pretenses, possession of altered property, any
564 felony drug offense, any violation of s. 812.015, or any



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565 fraudulent dealing;

566 (g) Has had a final judgment entered against her or him in
567 a civil action upon grounds of fraud, embezzlement,
568 misrepresentation, or deceit; or

569 (h) Has failed to pay any sales tax owed to the Department
570 of Revenue.

571

572 In the event the department determines to deny an
573 application or revoke a registration, it shall enter a final
574 order with its findings on the register of secondhand dealers
575 and their business associates, if any; and denial, suspension,
576 or revocation of the registration of a secondhand dealer shall
577 also deny, suspend, or revoke the registration of such
578 secondhand dealer's business associates.

579 Section 44. For the purpose of incorporating the amendment
580 made by this act to section 812.014, Florida Statutes, in a
581 reference thereto, subsection (2) of section 538.23, Florida
582 Statutes, is reenacted to read:

583 538.23 Violations and penalties.—

584 (2) A secondary metals recycler is presumed to know upon
585 receipt of stolen regulated metals property in a purchase
586 transaction that the regulated metals property has been stolen
587 from another if the secondary metals recycler knowingly and
588 intentionally fails to maintain the information required in s.
589 538.19 and shall, upon conviction of a violation of s. 812.015,
590 be punished as provided in s. 812.014(2) or (3).

591 Section 45. For the purpose of incorporating the amendment
592 made by this act to section 812.014, Florida Statutes, in a
593 reference thereto, subsection (10) of section 550.6305, Florida



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594 Statutes, is reenacted to read:

595 550.6305 Intertrack wagering; guest track payments;
596 accounting rules.—

597 (10) All races or games conducted at a permitholder's
598 facility, all broadcasts of such races or games, and all
599 broadcast rights relating thereto are owned by the permitholder
600 at whose facility such races or games are conducted and
601 constitute the permitholder's property as defined in s.
602 812.012(4). Transmission, reception of a transmission,
603 exhibition, use, or other appropriation of such races or games,
604 broadcasts of such races or games, or broadcast rights relating
605 thereto without the written consent of the permitholder
606 constitutes a theft of such property under s. 812.014; and in
607 addition to the penal sanctions contained in s. 812.014, the
608 permitholder has the right to avail itself of the civil remedies
609 specified in ss. 772.104, 772.11, and 812.035 in addition to any
610 other remedies available under applicable state or federal law.

611 Section 46. For the purpose of incorporating the amendment
612 made by this act to section 812.014, Florida Statutes, in a
613 reference thereto, subsection (2) of section 634.319, Florida
614 Statutes, is reenacted to read:

615 634.319 Reporting and accounting for funds.—

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

620 Section 47. For the purpose of incorporating the amendment
621 made by this act to section 812.014, Florida Statutes, in a
622 reference thereto, subsection (2) of section 634.421, Florida



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623 Statutes, is reenacted to read:

624 634.421 Reporting and accounting for funds.—

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

628 Section 48. For the purpose of incorporating the amendment
629 made by this act to section 812.014, Florida Statutes, in a
630 reference thereto, subsection (3) of section 636.238, Florida
631 Statutes, is reenacted to read:

632 636.238 Penalties for violation of this part.—

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

636 Section 49. For the purpose of incorporating the amendment
637 made by this act to section 812.014, Florida Statutes, in a
638 reference thereto, subsection (2) of section 642.038, Florida
639 Statutes, is reenacted to read:

640 642.038 Reporting and accounting for funds.—

641 (2) Any sales representative who, not being entitled
642 thereto, diverts or appropriates such funds or any portion
643 thereof to his or her own use commits theft as provided in s.
644 812.014.

645 Section 50. For the purpose of incorporating the amendment
646 made by this act to section 812.014, Florida Statutes, in a
647 reference thereto, subsection (4) of section 705.102, Florida
648 Statutes, is reenacted to read:

649 705.102 Reporting lost or abandoned property.—

650 (4) Any person who unlawfully appropriates such lost or
651 abandoned property to his or her own use or refuses to deliver



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652 such property when required commits theft as defined in s.
653 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
654 775.084.

655 Section 51. For the purpose of incorporating the amendment
656 made by this act to section 812.014, Florida Statutes, in a
657 reference thereto, paragraph (d) of subsection (1) of section
658 718.111, Florida Statutes, is reenacted to read:

659 718.111 The association.—

660 (1) CORPORATE ENTITY.—

661 (d) As required by s. 617.0830, an officer, director, or
662 agent shall discharge his or her duties in good faith, with the
663 care an ordinarily prudent person in a like position would
664 exercise under similar circumstances, and in a manner he or she
665 reasonably believes to be in the interests of the association.
666 An officer, director, or agent shall be liable for monetary
667 damages as provided in s. 617.0834 if such officer, director, or
668 agent breached or failed to perform his or her duties and the
669 breach of, or failure to perform, his or her duties constitutes
670 a violation of criminal law as provided in s. 617.0834;
671 constitutes a transaction from which the officer or director
672 derived an improper personal benefit, either directly or
673 indirectly; or constitutes recklessness or an act or omission
674 that was in bad faith, with malicious purpose, or in a manner
675 exhibiting wanton and willful disregard of human rights, safety,
676 or property. Forgery of a ballot envelope or voting certificate
677 used in a condominium association election is punishable as
678 provided in s. 831.01, the theft or embezzlement of funds of a
679 condominium association is punishable as provided in s. 812.014,
680 and the destruction of or the refusal to allow inspection or



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681 copying of an official record of a condominium association that
682 is accessible to unit owners within the time periods required by
683 general law in furtherance of any crime is punishable as
684 tampering with physical evidence as provided in s. 918.13 or as
685 obstruction of justice as provided in chapter 843. An officer or
686 director charged by information or indictment with a crime
687 referenced in this paragraph must be removed from office, and
688 the vacancy shall be filled as provided in s. 718.112(2)(d)2.
689 until the end of the officer's or director's period of
690 suspension or the end of his or her term of office, whichever
691 occurs first. If a criminal charge is pending against the
692 officer or director, he or she may not be appointed or elected
693 to a position as an officer or a director of any association and
694 may not have access to the official records of any association,
695 except pursuant to a court order. However, if the charges are
696 resolved without a finding of guilt, the officer or director
697 must be reinstated for the remainder of his or her term of
698 office, if any.

699 Section 52. For the purpose of incorporating the amendment
700 made by this act to section 812.014, Florida Statutes, in a
701 reference thereto, subsection (2) of section 812.015, Florida
702 Statutes, is reenacted to read:

703 812.015 Retail and farm theft; transit fare evasion;
704 mandatory fine; alternative punishment; detention and arrest;
705 exemption from liability for false arrest; resisting arrest;
706 penalties.—

707 (2) Upon a second or subsequent conviction for petit theft
708 from a merchant, farmer, or transit agency, the offender shall
709 be punished as provided in s. 812.014(3), except that the court



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710 shall impose a fine of not less than \$50 or more than \$1,000.
711 However, in lieu of such fine, the court may require the
712 offender to perform public services designated by the court. In
713 no event shall any such offender be required to perform fewer
714 than the number of hours of public service necessary to satisfy
715 the fine assessed by the court, as provided by this subsection,
716 at the minimum wage prevailing in the state at the time of
717 sentencing.

718 Section 53. For the purpose of incorporating the amendment
719 made by this act to section 812.014, Florida Statutes, in a
720 reference thereto, subsections (1) and (2) of section 812.0155,
721 Florida Statutes, are reenacted to read:

722 812.0155 Suspension of driver license following an
723 adjudication of guilt for theft.—

724 (1) Except as provided in subsections (2) and (3), the
725 court may order the suspension of the driver license of each
726 person adjudicated guilty of any misdemeanor violation of s.
727 812.014 or s. 812.015, regardless of the value of the property
728 stolen. Upon ordering the suspension of the driver license of
729 the person adjudicated guilty, the court shall forward the
730 driver license of the person adjudicated guilty to the
731 Department of Highway Safety and Motor Vehicles in accordance
732 with s. 322.25.

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

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

737 (2) The court may revoke, suspend, or withhold issuance of
738 a driver license of a person less than 18 years of age who



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739 violates s. 812.014 or s. 812.015 as an alternative to
740 sentencing the person to:

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

746 (b) Probation as defined in s. 985.03, commitment to the
747 Department of Juvenile Justice, probation as defined in chapter
748 948, community control, or incarceration, if the person is
749 convicted as an adult of such violation and has not previously
750 been convicted of or adjudicated delinquent for any criminal
751 offense, regardless of whether adjudication was withheld.

752 Section 54. For the purpose of incorporating the amendment
753 made by this act to section 812.014, Florida Statutes, in a
754 reference thereto, subsections (4), (7), and (8) of section
755 812.14, Florida Statutes, are reenacted to read:

756 812.14 Trespass and larceny with relation to utility
757 fixtures; theft of utility services.-

758 (4) A person who willfully violates subsection (2) commits
759 theft, punishable as provided in s. 812.014.

760 (7) An owner, lessor, or sublessor who willfully violates
761 subsection (5) commits a misdemeanor of the first degree,
762 punishable as provided in s. 775.082 or s. 775.083. Prosecution
763 for a violation of subsection (5) does not preclude prosecution
764 for theft pursuant to subsection (8) or s. 812.014.

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



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768 Section 55. For the purpose of incorporating the amendment
769 made by this act to section 812.014, Florida Statutes, in a
770 reference thereto, subsection (3) of section 893.138, Florida
771 Statutes, is reenacted to read:

772 893.138 Local administrative action to abate drug-related,
773 prostitution-related, or stolen-property-related public
774 nuisances and criminal gang activity.—

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

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

780 (b) Section 810.02, relating to burglary;

781 (c) Section 812.014, relating to theft;

782 (d) Section 812.131, relating to robbery by sudden
783 snatching; or

784 (e) Section 893.13, relating to the unlawful distribution
785 of controlled substances,

786
787 may be declared to be a public nuisance, and such nuisance
788 may be abated pursuant to the procedures provided in this
789 section.

790 Section 56. For the purpose of incorporating the amendment
791 made by this act to section 812.014, Florida Statutes, in a
792 reference thereto, paragraph (b) of subsection (3) of section
793 943.051, Florida Statutes, is reenacted to read:

794 943.051 Criminal justice information; collection and
795 storage; fingerprinting.—

796 (3)



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797 (b) A minor who is charged with or found to have committed
798 the following offenses shall be fingerprinted and the
799 fingerprints shall be submitted electronically to the
800 department, unless the minor is issued a civil citation pursuant
801 to s. 985.12:

- 802 1. Assault, as defined in s. 784.011.
- 803 2. Battery, as defined in s. 784.03.
- 804 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 805 4. Unlawful use of destructive devices or bombs, as defined
806 in s. 790.1615(1).
- 807 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 808 6. Assault or battery on a law enforcement officer, a
809 firefighter, or other specified officers, as defined in s.
810 784.07(2)(a) and (b).
- 811 7. Open carrying of a weapon, as defined in s. 790.053.
- 812 8. Exposure of sexual organs, as defined in s. 800.03.
- 813 9. Unlawful possession of a firearm, as defined in s.
814 790.22(5).
- 815 10. Petit theft, as defined in s. 812.014(3).
- 816 11. Cruelty to animals, as defined in s. 828.12(1).
- 817 12. Arson, as defined in s. 806.031(1).
- 818 13. Unlawful possession or discharge of a weapon or firearm
819 at a school-sponsored event or on school property, as provided
820 in s. 790.115.

821 Section 57. For the purpose of incorporating the amendment
822 made by this act to section 812.014, Florida Statutes, in a
823 reference thereto, paragraph (b) of subsection (1) of section
824 985.11, Florida Statutes, is reenacted to read:

825 985.11 Fingerprinting and photographing.—



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826 (1)
827 (b) Unless the child is issued a civil citation or is
828 participating in a similar diversion program pursuant to s.
829 985.12, a child who is charged with or found to have committed
830 one of the following offenses shall be fingerprinted, and the
831 fingerprints shall be submitted to the Department of Law
832 Enforcement as provided in s. 943.051(3) (b):
833 1. Assault, as defined in s. 784.011.
834 2. Battery, as defined in s. 784.03.
835 3. Carrying a concealed weapon, as defined in s. 790.01(1).
836 4. Unlawful use of destructive devices or bombs, as defined
837 in s. 790.1615(1).
838 5. Neglect of a child, as defined in s. 827.03(1) (e).
839 6. Assault on a law enforcement officer, a firefighter, or
840 other specified officers, as defined in s. 784.07(2) (a).
841 7. Open carrying of a weapon, as defined in s. 790.053.
842 8. Exposure of sexual organs, as defined in s. 800.03.
843 9. Unlawful possession of a firearm, as defined in s.
844 790.22(5).
845 10. Petit theft, as defined in s. 812.014.
846 11. Cruelty to animals, as defined in s. 828.12(1).
847 12. Arson, resulting in bodily harm to a firefighter, as
848 defined in s. 806.031(1).
849 13. Unlawful possession or discharge of a weapon or firearm
850 at a school-sponsored event or on school property as defined in
851 s. 790.115.
852
853 A law enforcement agency may fingerprint and photograph a
854 child taken into custody upon probable cause that such child has



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855 committed any other violation of law, as the agency deems
856 appropriate. Such fingerprint records and photographs shall be
857 retained by the law enforcement agency in a separate file, and
858 these records and all copies thereof must be marked "Juvenile
859 Confidential." These records are not available for public
860 disclosure and inspection under s. 119.07(1) except as provided
861 in ss. 943.053 and 985.04(2), but shall be available to other
862 law enforcement agencies, criminal justice agencies, state
863 attorneys, the courts, the child, the parents or legal
864 custodians of the child, their attorneys, and any other person
865 authorized by the court to have access to such records. In
866 addition, such records may be submitted to the Department of Law
867 Enforcement for inclusion in the state criminal history records
868 and used by criminal justice agencies for criminal justice
869 purposes. These records may, in the discretion of the court, be
870 open to inspection by anyone upon a showing of cause. The
871 fingerprint and photograph records shall be produced in the
872 court whenever directed by the court. Any photograph taken
873 pursuant to this section may be shown by a law enforcement
874 officer to any victim or witness of a crime for the purpose of
875 identifying the person who committed such crime.

876

877

878 ===== T I T L E A M E N D M E N T =====

879 And the title is amended as follows:

880 Delete line 283

881 and insert:

882 programs; detailing program criteria; amending s.

883 812.014, F.S.; revising threshold amounts and types of



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884 property which qualify for theft offenses; amending s.
885 812.015, F.S.; revising threshold amounts for retail
886 theft; amending s. 921.0022, F.S.; conforming
887 provisions to changes made by the act; conforming a
888 cross-reference; amending s. 985.557, F.S.; conforming
889 cross-references; reenacting ss. 95.18(10),
890 373.6055(3)(c), 400.9935(3), 409.910(17)(g),
891 489.126(4), 538.09(5), 538.23(2), 550.6305(10),
892 634.319(2), 634.421(2), 636.238(3), 642.038(2),
893 705.102(4), 718.111(1)(d), 812.015(2), 812.0155(1) and
894 (2), 812.14(4), (7), and (8), 893.138(3),
895 943.051(3)(b), and 985.11(1)(b), F.S., relating to
896 adverse possession without color of title, criminal
897 history checks for certain water management district
898 employees and others, clinic responsibilities,
899 responsibility for payments on behalf of Medicaid-
900 eligible persons when other parties are liable, moneys
901 received by contractors, secondhand dealer
902 registration, secondary metals recycler violations and
903 penalties, intertrack wagering, diversion or
904 appropriation of funds by warranty association sales
905 representatives, collection of fees for purported
906 membership in discount plan organizations, diversion
907 or appropriation of funds by legal expense insurance
908 sales representatives, reporting lost or abandoned
909 property, condominium associations, retail and farm
910 theft, suspension of driver license following an
911 adjudication of guilt for theft, trespass and larceny
912 with relation to utility fixtures and theft of utility



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913 services, local administrative action to abate drug-
914 related, prostitution-related, or stolen-property-
915 related public nuisances and criminal gang activity,
916 fingerprinting of certain minors, and fingerprinting
917 and photographing of certain children, respectively,
918 to incorporate the amendments made by the act in
919 cross-references to amended provisions; reenacting s.