



786578

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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The Committee on Appropriations (Brandes) recommended the following:

1 **Senate Substitute for Amendment (711458) (with title**
2 **amendment)**

3
4 Between lines 2200 and 2201
5 insert:

6 Section 34. Paragraphs (c), (d), and (e) of subsection (2)
7 and paragraphs (a), (b), and (c) of subsection (3) of section
8 812.014, Florida Statutes, are amended to read:

9 812.014 Theft.—
10 (2)



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11 (c) It is grand theft of the third degree and a felony of
12 the third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084, if the property stolen is:

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

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

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

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

18 ~~4.5.~~ A firearm.

19 ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).

20 ~~6.7.~~ Any commercially farmed animal, including any animal
21 of the equine, bovine, or swine class or other grazing animal,
22 or any animal of the avian class; a bee colony of a registered
23 beekeeper; and aquaculture species raised at a certified
24 aquaculture facility. If the property stolen is aquaculture
25 species raised at a certified aquaculture facility, then a
26 \$10,000 fine shall be imposed.

27 ~~8. Any fire extinguisher.~~

28 ~~7.9.~~ Any amount of citrus fruit consisting of 2,000 or more
29 individual pieces of fruit.

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

32 ~~11. Any stop sign.~~

33 ~~8.12.~~ Anhydrous ammonia.

34 ~~9.13.~~ Any amount of a controlled substance as defined in s.
35 893.02. Notwithstanding any other law, separate judgments and
36 sentences for theft of a controlled substance under this
37 subparagraph and for any applicable possession of controlled
38 substance offense under s. 893.13 or trafficking in controlled
39 substance offense under s. 893.135 may be imposed when all such



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40 offenses involve the same amount or amounts of a controlled
41 substance.

42 10. A utility service under s. 812.14.

43

44 However, if the property is stolen within a county that is
45 subject to a state of emergency declared by the Governor under
46 chapter 252, the property is stolen after the declaration of
47 emergency is made, and the perpetration of the theft is
48 facilitated by conditions arising from the emergency, the
49 offender commits a felony of the second degree, punishable as
50 provided in s. 775.082, s. 775.083, or s. 775.084, if the
51 property is valued at \$5,000 or more, but less than \$10,000, as
52 provided under subparagraph 2., or if the property is valued at
53 \$10,000 or more, but less than \$20,000, as provided under
54 subparagraph 3. As used in this paragraph, the term "conditions
55 arising from the emergency" means civil unrest, power outages,
56 curfews, voluntary or mandatory evacuations, or a reduction in
57 the presence of or the response time for first responders or
58 homeland security personnel. For purposes of sentencing under
59 chapter 921, a felony offense that is reclassified under this
60 paragraph is ranked one level above the ranking under s.
61 921.0022 or s. 921.0023 of the offense committed.

62 (d) It is grand theft of the third degree and a felony of
63 the third degree, punishable as provided in s. 775.082, s.
64 775.083, or s. 775.084, if the property stolen is valued at
65 \$1,000 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken
66 from a dwelling as defined in s. 810.011(2) or from the
67 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

68 (e) Except as provided in paragraph (d), if the property



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69 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,000
70 ~~\$300~~, the offender commits petit theft of the first degree,
71 punishable as a misdemeanor of the first degree, as provided in
72 s. 775.082 or s. 775.083.

73 (3) (a) Theft of any property not specified in subsection
74 (2) is petit theft of the second degree and a misdemeanor of the
75 second degree, punishable as provided in s. 775.082 or s.
76 775.083, and as provided in subsection (5), as applicable.

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

80 (c) A person who commits petit theft in the first degree,
81 ~~and~~ who has previously been convicted two or more times as an
82 adult of any theft, and if the third or subsequent petit theft
83 offense occurred within 3 years of the expiration of his or her
84 sentence for the most recent theft conviction, commits a felony
85 of the third degree, punishable as provided in s. 775.082 or s.
86 775.083.

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

89 812.015 Retail and farm theft; transit fare evasion;
90 mandatory fine; alternative punishment; detention and arrest;
91 exemption from liability for false arrest; resisting arrest;
92 penalties.—

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



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98 (a) Individually, or in concert with one or more other
99 persons, coordinates the activities of one or more individuals
100 in committing the offense, in which case the amount of each
101 individual theft is aggregated to determine the value of the
102 property stolen;

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

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

111 (d) Commits the offense through the purchase of merchandise
112 in a package or box that contains merchandise other than, or in
113 addition to, the merchandise purported to be contained in the
114 package or box.

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

118 (a) Violates subsection (8) as an adult and has previously
119 been convicted of a violation of subsection (8) within 3 years
120 of the expiration of his or her sentence for the conviction; or

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

125 Section 36. Paragraphs (b), (e), and (f) of subsection (3)
126 of section 921.0022, Florida Statutes, are amended to read:



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127 921.0022 Criminal Punishment Code; offense severity ranking
128 chart.-

129 (3) OFFENSE SEVERITY RANKING CHART

130 (b) LEVEL 2

131

132

Florida Statute	Felony Degree	Description
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133

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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134

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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135

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.
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136

517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
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137

590.28 (1)	3rd	Intentional burning of lands.
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138	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
139	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
140	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
141	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
142	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
143	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u> \$300 or more but less than \$5,000.
144	812.014(2)(d)	3rd	Grand theft, 3rd degree; <u>\$1,000</u>



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~~\$100~~ or more but less than
\$5,000 ~~\$300~~, taken from
unenclosed curtilage of
dwelling.

145

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

146

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

147

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

148

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

149

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

150

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

151

817.60 (6) (a) 3rd Forgery; purchase goods,



171	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
172	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
173	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
174	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
	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



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crabs while license is
suspended or revoked.

175

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

176

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

177

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

178

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

179

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

180

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

181

624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or



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191	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
192	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
193	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
194	812.015 (8)	3rd	Retail theft; property stolen is valued at <u>\$1,000</u> \$300 or more and one or more specified acts.
195	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
196	812.131 (2) (b)	3rd	Robbery by sudden snatching.
197	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
198	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.



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204	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
205	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
206	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
207	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.
208	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.



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209	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
210	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
211	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
212	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
213	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).
214	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.

215

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.

216

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.

217

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.



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drugs) within 1,000 feet of
public housing facility.

218

893.13(4)(b) 2nd Use or hire of minor; deliver
to minor other controlled
substance.

219

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

220

221

222 (f) LEVEL 6

223

224

Florida Statute	Felony Degree	Description
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225

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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226

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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227

400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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228



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- 229 499.0051 (2) 2nd Knowing forgery of transaction history, transaction information, or transaction statement.
- 230 499.0051 (3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.
- 231 499.0051 (4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.
- 232 775.0875 (1) 3rd Taking firearm from law enforcement officer.
- 233 784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.
- 234 784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.
- 235 784.041 3rd Felony battery; domestic battery by strangulation.
- 236 784.048 (3) 3rd Aggravated stalking; credible threat.
- 784.048 (5) 3rd Aggravated stalking of person



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under 16.

237

784.07(2)(c) 2nd Aggravated assault on law
enforcement officer.

238

784.074(1)(b) 2nd Aggravated assault on sexually
violent predators facility
staff.

239

784.08(2)(b) 2nd Aggravated assault on a person
65 years of age or older.

240

784.081(2) 2nd Aggravated assault on specified
official or employee.

241

784.082(2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

242

784.083(2) 2nd Aggravated assault on code
inspector.

243

787.02(2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

244

790.115(2)(d) 2nd Discharging firearm or weapon
on school property.

245



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246	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
247	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
248	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
249	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
250	794.05(1)	2nd	Unlawful sexual activity with specified minor.
251	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
	800.04(6)(b)	2nd	Lewd or lascivious conduct;



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others.

259

812.13(2)(c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

260

817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

261

817.505(4)(b) 2nd Patient brokering; 10 or more
patients.

262

825.102(1) 3rd Abuse of an elderly person or
disabled adult.

263

825.102(3)(c) 3rd Neglect of an elderly person or
disabled adult.

264

825.1025(3) 3rd Lewd or lascivious molestation
of an elderly person or
disabled adult.

265

825.103(3)(c) 3rd Exploiting an elderly person or
disabled adult and property is
valued at less than \$10,000.

266

827.03(2)(c) 3rd Abuse of a child.

267

827.03(2)(d) 3rd Neglect of a child.



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268	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
269	836.05	2nd	Threats; extortion.
270	836.10	2nd	Written threats to kill or do bodily injury.
271	843.12	3rd	Aids or assists person to escape.
272	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
273	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
274	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
275	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.



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- 276 944.35(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.
- 277 944.40 2nd Escapes.
- 278 944.46 3rd Harboring, concealing, aiding
escaped prisoners.
- 279 944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.
- 280 951.22(1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

281
282
283
284
285 ===== T I T L E A M E N D M E N T =====

286 And the title is amended as follows:
287 Delete line 283
288 and insert:
289 programs; detailing program criteria; amending s.



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290 812.014, F.S.; increasing threshold amounts for
291 certain theft offenses; revising the list of items the
292 theft of which constitutes a felony of the third
293 degree; amending s. 812.015, F.S.; increasing
294 threshold amounts for certain theft offenses; revising
295 circumstances under which an offense of retail theft
296 by a person with a prior conviction of retail theft
297 constitutes a felony of the second degree; amending s.
298 921.0022, F.S.; conforming provisions of the offense
299 severity ranking chart of the Criminal Punishment Code
300 to changes made by the act; reenacting s.