

1                                   A bill to be entitled  
 2           An act relating to theft; amending s. 812.014, F.S.;  
 3           increasing the fine for the theft of a commercially  
 4           farmed animal or a bee colony of a registered  
 5           beekeeper; reenacting s. 932.701(1)(a), F.S., relating  
 6           to the definition of the term "contraband article," to  
 7           incorporate the amendment made to s. 812.014, F.S., in  
 8           a reference thereto; providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Paragraph (c) of subsection (2) of section  
 13 812.014, Florida Statutes, is amended to read:

14           812.014 Theft.—

15           (2)

16           (c) It is grand theft of the third degree and a felony of  
 17 the third degree, punishable as provided in s. 775.082, s.  
 18 775.083, or s. 775.084, if the property stolen is:

- 19           1. Valued at \$300 or more, but less than \$5,000.
- 20           2. Valued at \$5,000 or more, but less than \$10,000.
- 21           3. Valued at \$10,000 or more, but less than \$20,000.
- 22           4. A will, codicil, or other testamentary instrument.
- 23           5. A firearm.
- 24           6. A motor vehicle, except as provided in paragraph (a).
- 25           7. Any commercially farmed animal, including any animal of

26 | the equine, bovine, or swine class or other grazing animal; a  
27 | bee colony of a registered beekeeper; and aquaculture species  
28 | raised at a certified aquaculture facility. If the property  
29 | stolen is a commercially farmed animal, including an animal of  
30 | the equine, bovine, or swine class or other grazing animal; a  
31 | bee colony of a registered beekeeper; or an aquaculture species  
32 | raised at a certified aquaculture facility, ~~then~~ a \$10,000 fine  
33 | shall be imposed.

34 | 8. Any fire extinguisher.

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

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

39 | 11. Any stop sign.

40 | 12. Anhydrous ammonia.

41 | 13. Any amount of a controlled substance as defined in s.  
42 | 893.02. Notwithstanding any other law, separate judgments and  
43 | sentences for theft of a controlled substance under this  
44 | subparagraph and for any applicable possession of controlled  
45 | substance offense under s. 893.13 or trafficking in controlled  
46 | substance offense under s. 893.135 may be imposed when all such  
47 | offenses involve the same amount or amounts of a controlled  
48 | substance.

49 |  
50 | However, if the property is stolen within a county that is

51 subject to a state of emergency declared by the Governor under  
 52 chapter 252, the property is stolen after the declaration of  
 53 emergency is made, and the perpetration of the theft is  
 54 facilitated by conditions arising from the emergency, the  
 55 offender commits a felony of the second degree, punishable as  
 56 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
 57 property is valued at \$5,000 or more, but less than \$10,000, as  
 58 provided under subparagraph 2., or if the property is valued at  
 59 \$10,000 or more, but less than \$20,000, as provided under  
 60 subparagraph 3. As used in this paragraph, the term "conditions  
 61 arising from the emergency" means civil unrest, power outages,  
 62 curfews, voluntary or mandatory evacuations, or a reduction in  
 63 the presence of or the response time for first responders or  
 64 homeland security personnel. For purposes of sentencing under  
 65 chapter 921, a felony offense that is reclassified under this  
 66 paragraph is ranked one level above the ranking under s.  
 67 921.0022 or s. 921.0023 of the offense committed.

68 Section 2. For the purpose of incorporating the amendment  
 69 made by this act to section 812.014, Florida Statutes, in a  
 70 reference thereto, paragraph (a) of subsection (2) of section  
 71 932.701, Florida Statutes, is reenacted to read:

72 932.701 Short title; definitions.—

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

74 (a) "Contraband article" means:

75 1. Any controlled substance as defined in chapter 893 or

76 | any substance, device, paraphernalia, or currency or other means  
77 | of exchange that was used, was attempted to be used, or was  
78 | intended to be used in violation of any provision of chapter  
79 | 893, if the totality of the facts presented by the state is  
80 | clearly sufficient to meet the state's burden of establishing  
81 | probable cause to believe that a nexus exists between the  
82 | article seized and the narcotics activity, whether or not the  
83 | use of the contraband article can be traced to a specific  
84 | narcotics transaction.

85 |       2. Any gambling paraphernalia, lottery tickets, money,  
86 | currency, or other means of exchange which was used, was  
87 | attempted, or intended to be used in violation of the gambling  
88 | laws of the state.

89 |       3. Any equipment, liquid or solid, which was being used,  
90 | is being used, was attempted to be used, or intended to be used  
91 | in violation of the beverage or tobacco laws of the state.

92 |       4. Any motor fuel upon which the motor fuel tax has not  
93 | been paid as required by law.

94 |       5. Any personal property, including, but not limited to,  
95 | any vessel, aircraft, item, object, tool, substance, device,  
96 | weapon, machine, vehicle of any kind, money, securities, books,  
97 | records, research, negotiable instruments, or currency, which  
98 | was used or was attempted to be used as an instrumentality in  
99 | the commission of, or in aiding or abetting in the commission  
100 | of, any felony, whether or not comprising an element of the

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

103 6. Any real property, including any right, title,  
 104 leasehold, or other interest in the whole of any lot or tract of  
 105 land, which was used, is being used, or was attempted to be used  
 106 as an instrumentality in the commission of, or in aiding or  
 107 abetting in the commission of, any felony, or which is acquired  
 108 by proceeds obtained as a result of a violation of the Florida  
 109 Contraband Forfeiture Act.

110 7. Any personal property, including, but not limited to,  
 111 equipment, money, securities, books, records, research,  
 112 negotiable instruments, currency, or any vessel, aircraft, item,  
 113 object, tool, substance, device, weapon, machine, or vehicle of  
 114 any kind in the possession of or belonging to any person who  
 115 takes aquaculture products in violation of s. 812.014(2)(c).

116 8. Any motor vehicle offered for sale in violation of s.  
 117 320.28.

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

120 10. Any photograph, film, or other recorded image,  
 121 including an image recorded on videotape, a compact disc,  
 122 digital tape, or fixed disk, that is recorded in violation of s.  
 123 810.145 and is possessed for the purpose of amusement,  
 124 entertainment, sexual arousal, gratification, or profit, or for  
 125 the purpose of degrading or abusing another person.

126           11. Any real property, including any right, title,  
127 leasehold, or other interest in the whole of any lot or tract of  
128 land, which is acquired by proceeds obtained as a result of  
129 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
130 property, including, but not limited to, equipment, money,  
131 securities, books, records, research, negotiable instruments, or  
132 currency; or any vessel, aircraft, item, object, tool,  
133 substance, device, weapon, machine, or vehicle of any kind in  
134 the possession of or belonging to any person which is acquired  
135 by proceeds obtained as a result of Medicaid fraud under s.  
136 409.920 or s. 409.9201.

137           12. Any personal property, including, but not limited to,  
138 any vehicle, item, object, tool, device, weapon, machine, money,  
139 security, book, or record, that is used or attempted to be used  
140 as an instrumentality in the commission of, or in aiding and  
141 abetting in the commission of, a person's third or subsequent  
142 violation of s. 509.144, whether or not comprising an element of  
143 the offense.

144           Section 3. This act shall take effect October 1, 2018.