

ENROLLED

HB 491, Engrossed 1

2018 Legislature

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

812.014 Theft.—

(2)

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

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

ENROLLED

HB 491, Engrossed 1

2018 Legislature

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

ENROLLED

HB 491, Engrossed 1

2018 Legislature

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

ENROLLED

HB 491, Engrossed 1

2018 Legislature

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

ENROLLED

HB 491, Engrossed 1

2018 Legislature

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.

ENROLLED

HB 491, Engrossed 1

2018 Legislature

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.