

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Justice Appropriations  
2 Subcommittee

3 Representative Donalds offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (c), (d), and (e) of subsection (2)  
8 and paragraphs (a), (b), and (c) of subsection (3) of section  
9 812.014, Florida Statutes, are amended, and subsection (7) is  
10 added to that section, to read:

11 812.014 Theft.—

12 (2)

13 (c) It is grand theft of the third degree and a felony of  
14 the third degree, punishable as provided in s. 775.082, s.  
15 775.083, or s. 775.084, if the property stolen is:

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

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

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

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

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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  
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  
78 previously been convicted of any theft commits a misdemeanor of  
79 the first degree, punishable as provided in s. 775.082 or s.  
80 775.083.

81 (c) A person who commits petit theft in the first degree,  
82 ~~and~~ who has previously been convicted two or more times as an  
83 adult of any theft, and if the third or subsequent petit theft  
84 offense occurred within 3 years of the expiration of his or her  
85 sentence for the most recent theft conviction, commits a felony  
86 of the third degree, punishable as provided in s. 775.082 or s.  
87 775.083.

88 (7) The threshold amounts for offenses specified in this  
89 section shall be adjusted every 5 years in an amount equal to  
90 the total of the annual increases for that 5-year period in the

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91 Consumer Price Index for All Urban Consumers, U.S. City Average,  
92 All Items. The Office of Economic and Demographic Research shall  
93 calculate the thresholds, rounded to the nearest \$50, and  
94 publish the amounts, as adjusted, on its website by July 1 of  
95 every fifth year to take effect on October 1 of that year. The  
96 office shall certify the revised amounts to the Division of Law  
97 Revision and Information, which is directed to conform the  
98 statutes to the revised amounts.

99 Section 2. Subsections (8) and (9) of section 812.015,  
100 Florida Statutes, are amended, and subsection (10) is added to  
101 that section, to read:

102 812.015 Retail and farm theft; transit fare evasion;  
103 mandatory fine; alternative punishment; detention and arrest;  
104 exemption from liability for false arrest; resisting arrest;  
105 penalties.—

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

111 (a) Individually, or in concert with one or more other  
112 persons, coordinates the activities of one or more individuals  
113 in committing the offense, in which case the amount of each  
114 individual theft is aggregated to determine the value of the  
115 property stolen;

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

119 (c) Acts in concert with one or more other individuals  
120 within one or more establishments to distract the merchant,  
121 merchant's employee, or law enforcement officer in order to  
122 carry out the offense, or acts in other ways to coordinate  
123 efforts to carry out the offense; or

124 (d) Commits the offense through the purchase of  
125 merchandise in a package or box that contains merchandise other  
126 than, or in addition to, the merchandise purported to be  
127 contained in the package or box.

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

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

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

138 (10) The threshold amounts for offenses specified in this  
139 section shall be adjusted every 5 years in an amount equal to  
140 the total of the annual increases for that 5-year period in the

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141 Consumer Price Index for All Urban Consumers, U.S. City Average,  
 142 All Items. The Office of Economic and Demographic Research shall  
 143 calculate the thresholds, rounded to the nearest \$50, and  
 144 publish the amounts, as adjusted, on its website by July 1 of  
 145 every fifth year to take effect on October 1 of that year. The  
 146 office shall certify the revised amounts to the Division of Law  
 147 Revision and Information, which is directed to conform the  
 148 statutes to the revised amounts.

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

151 921.0022 Criminal Punishment Code; offense severity  
 152 ranking chart.—

153 (3) OFFENSE SEVERITY RANKING CHART

154 (b) LEVEL 2

155

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation

157

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of the Marine Turtle Protection Act.

158

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.

159

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

160

590.28(1) 3rd Intentional burning of lands.

161

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

162

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

163

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

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communication or any other  
public service.

164

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

165

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

166

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

167

812.014(2)(d) 3rd Grand theft, 3rd degree; 1,000  
~~\$100~~ or more but less than  
\$5,000 ~~\$300~~, taken from  
unenclosed curtilage of  
dwelling.

168

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

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countermeasure.

169

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

170

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

171

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

172

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

173

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

174

817.60(6)(a) 3rd Forgery; purchase goods, services with false card.

175

817.61 3rd Fraudulent use of credit cards over \$100 or more within 6

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months.

176

826.04 3rd Knowingly marries or has sexual  
intercourse with person to whom  
related.

177

831.01 3rd Forgery.

178

831.02 3rd Uttering forged instrument;  
utters or publishes alteration  
with intent to defraud.

179

831.07 3rd Forging bank bills, checks,  
drafts, or promissory notes.

180

831.08 3rd Possessing 10 or more forged  
notes, bills, checks, or  
drafts.

181

831.09 3rd Uttering forged notes, bills,  
checks, drafts, or promissory  
notes.

182

831.11 3rd Bringing into the state forged  
bank bills, checks, drafts, or

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notes.

183 832.05(3)(a) 3rd Cashing or depositing item with  
intent to defraud.

184 843.08 3rd False personation.

185 893.13(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.

186 893.147(2) 3rd Manufacture or delivery of drug  
paraphernalia.

187  
188 (e) LEVEL 5

189  
190 Florida Felony  
Statute Degree Description

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

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leaving scene.

191

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

192

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

193

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

194

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

195

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,

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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.

196

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

197

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

198

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

199

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

200

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

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201	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
202	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
203	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
204	790.01(2)	3rd	Carrying a concealed firearm.
205	790.162	2nd	Threat to throw or discharge destructive device.
206	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
207			

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 713 (2018)

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208	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
209	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
210	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
211	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
212	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
213	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more

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but less than \$50,000.

214

812.015 (8) 3rd Retail theft; property stolen is valued at \$1,000 ~~\$300~~ or more and one or more specified acts.

215

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

216

812.131 (2) (b) 3rd Robbery by sudden snatching.

217

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

218

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

219

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

220

817.2341 (1), 3rd Filing false financial  
(2) (a) & statements, making false  
(3) (a) entries of material fact or

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false statements regarding  
property values relating to the  
solvency of an insuring entity.

221

817.568(2)(b)

2nd

Fraudulent use of personal  
identification information;  
value of benefit, services  
received, payment avoided, or  
amount of injury or fraud,  
\$5,000 or more or use of  
personal identification  
information of 10 or more  
persons.

222

817.611(2)(a)

2nd

Traffic in or possess 5 to 14  
counterfeit credit cards or  
related documents.

223

817.625(2)(b)

2nd

Second or subsequent fraudulent  
use of scanning device,  
skimming device, or reencoder.

224

825.1025(4)

3rd

Lewd or lascivious exhibition  
in the presence of an elderly  
person or disabled adult.

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225	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
226	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
227	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.
228	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
229	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18

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years or older.

230

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

231

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

232

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

233

874.05(2)(a) 2nd Encouraging or recruiting  
person under 13 years of age to  
join a criminal gang.

234

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).

235

893.13(1)(c)2. 2nd Sell, manufacture, or deliver

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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.

236

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.

237

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.,

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

238

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.
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239

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

240

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

241

242 (f) LEVEL 6

243

Florida	Felony	
Statute	Degree	Description

244

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245	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
246	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
247	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
248	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
249	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
250	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
	775.0875 (1)	3rd	Taking firearm from law

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enforcement officer.

251

784.021 (1) (a) 3rd Aggravated assault; deadly  
weapon without intent to kill.

252

784.021 (1) (b) 3rd Aggravated assault; intent to  
commit felony.

253

784.041 3rd Felony battery; domestic  
battery by strangulation.

254

784.048 (3) 3rd Aggravated stalking; credible  
threat.

255

784.048 (5) 3rd Aggravated stalking of person  
under 16.

256

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

257

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

258

784.08 (2) (b) 2nd Aggravated assault on a person

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65 years of age or older.

259

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

260

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

261

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

262

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

263

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

264

790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

265

790.164 (1) 2nd False report concerning bomb,



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271	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
272	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
273	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
274	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
275	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
276	812.015(9)(a)	2nd	Retail theft; property stolen <u>1,000</u> <del>\$300</del> or more; second or subsequent <u>adult conviction in specified period.</u>
277			

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Bill No. HB 713 (2018)

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278	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
279	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
280	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
281	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
282	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
283	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
284	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
	825.103 (3) (c)	3rd	Exploiting an elderly person or

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disabled adult and property is  
valued at less than \$10,000.

285

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

286

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

287

827.071(2) & (3) 2nd Use or induce a child in a  
sexual performance, or promote  
or direct such performance.

288

836.05 2nd Threats; extortion.

289

836.10 2nd Written threats to kill or do  
bodily injury.

290

843.12 3rd Aids or assists person to  
escape.

291

847.011 3rd Distributing, offering to  
distribute, or possessing with  
intent to distribute obscene  
materials depicting minors.

292

847.012 3rd Knowingly using a minor in the

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production of materials harmful  
to minors.

293

847.0135(2) 3rd Facilitates sexual conduct of  
or with a minor or the visual  
depiction of such conduct.

294

914.23 2nd Retaliation against a witness,  
victim, or informant, with  
bodily injury.

295

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.

296

944.40 2nd Escapes.

297

944.46 3rd Harboring, concealing, aiding  
escaped prisoners.

298

944.47(1)(a)5. 2nd Introduction of contraband  
(firearm, weapon, or explosive)



Amendment No. 1

320 | constitutes a felony of the second degree; providing  
321 | for periodic future adjustments of threshold amounts  
322 | due to inflation; providing a directive to the  
323 | Division of Law Revision and Information; amending s.  
324 | 921.0022, F.S.; conforming provisions of the offense  
325 | severity ranking chart of the Criminal Punishment Code  
326 | to changes made by the act; providing an effective  
327 | date.  
328 |