

1 A bill to be entitled
 2 An act relating to theft offenses; amending s.
 3 812.014, F.S.; increasing threshold amounts for
 4 certain theft offenses; revising the list of items the
 5 theft of which constitutes grand theft of the third
 6 degree; revising the circumstances under which petit
 7 theft by a person with prior petit theft convictions
 8 constitutes a felony of the third degree; amending s.
 9 812.015, F.S.; increasing threshold amounts for
 10 certain theft offenses; revising circumstances under
 11 which an offense of retail theft by a person with a
 12 prior conviction of retail theft constitutes a felony
 13 of the second degree; amending s. 921.0022, F.S.;
 14 conforming provisions of the offense severity ranking
 15 chart of the Criminal Punishment Code to changes made
 16 by the act; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Paragraphs (c), (d), and (e) of subsection (2)
 21 and paragraphs (a), (b), and (c) of subsection (3) of section
 22 812.014, Florida Statutes, are amended to read:

23 812.014 Theft.—
 24 (2)
 25 (c) It is grand theft of the third degree and a felony of

26 | the third degree, punishable as provided in s. 775.082, s.
 27 | 775.083, or s. 775.084, if the property stolen is:

- 28 | 1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.
- 29 | 2. Valued at \$5,000 or more, but less than \$10,000.
- 30 | 3. Valued at \$10,000 or more, but less than \$20,000.
- 31 | ~~4. A will, codicil, or other testamentary instrument.~~
- 32 | 4.5. A firearm.
- 33 | ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).
- 34 | ~~6.7.~~ Any commercially farmed animal, including any animal
 35 | of the equine, bovine, or swine class or other grazing animal; a
 36 | bee colony of a registered beekeeper; and aquaculture species
 37 | raised at a certified aquaculture facility. If the property
 38 | stolen is aquaculture species raised at a certified aquaculture
 39 | facility, then a \$10,000 fine shall be imposed.
- 40 | ~~8. Any fire extinguisher.~~
- 41 | ~~7.9.~~ Any amount of citrus fruit consisting of 2,000 or
 42 | more individual pieces of fruit.
- 43 | ~~10. Taken from a designated construction site identified~~
 44 | ~~by the posting of a sign as provided for in s. 810.09(2)(d).~~
- 45 | ~~11. Any stop sign.~~
- 46 | ~~12. Anhydrous ammonia.~~
- 47 | ~~8.13.~~ Any amount of a controlled substance as defined in
 48 | s. 893.02. Notwithstanding any other law, separate judgments and
 49 | sentences for theft of a controlled substance under this
 50 | subparagraph and for any applicable possession of controlled

51 substance offense under s. 893.13 or trafficking in controlled
52 substance offense under s. 893.135 may be imposed when all such
53 offenses involve the same amount or amounts of a controlled
54 substance.

55

56 However, if the property is stolen within a county that is
57 subject to a state of emergency declared by the Governor under
58 chapter 252, the property is stolen after the declaration of
59 emergency is made, and the perpetration of the theft is
60 facilitated by conditions arising from the emergency, the
61 offender commits a felony of the second degree, punishable as
62 provided in s. 775.082, s. 775.083, or s. 775.084, if the
63 property is valued at \$5,000 or more, but less than \$10,000, as
64 provided under subparagraph 2., or if the property is valued at
65 \$10,000 or more, but less than \$20,000, as provided under
66 subparagraph 3. As used in this paragraph, the term "conditions
67 arising from the emergency" means civil unrest, power outages,
68 curfews, voluntary or mandatory evacuations, or a reduction in
69 the presence of or the response time for first responders or
70 homeland security personnel. For purposes of sentencing under
71 chapter 921, a felony offense that is reclassified under this
72 paragraph is ranked one level above the ranking under s.
73 921.0022 or s. 921.0023 of the offense committed.

74 (d) It is grand theft of the third degree and a felony of
75 the third degree, punishable as provided in s. 775.082, s.

76 775.083, or s. 775.084, if the property stolen is valued at
 77 \$1,500 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken
 78 from a dwelling as defined in s. 810.011(2) or from the
 79 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

80 (e) Except as provided in paragraph (d), if the property
 81 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,500
 82 ~~\$300~~, the offender commits petit theft of the first degree,
 83 punishable as a misdemeanor of the first degree, as provided in
 84 s. 775.082 or s. 775.083.

85 (3)(a) Theft of any property not specified in subsection
 86 (2) is petit theft of the second degree and a misdemeanor of the
 87 second degree, punishable as provided in s. 775.082 or s.
 88 775.083, and as provided in subsection (5), as applicable.

89 (b) A person who commits petit theft and who has
 90 previously been convicted of any theft commits a misdemeanor of
 91 the first degree, punishable as provided in s. 775.082 or s.
 92 775.083.

93 (c) A person who commits petit theft in the first degree,
 94 ~~and~~ who has previously been convicted two or more times as an
 95 adult of any theft, and if the third or subsequent petit theft
 96 offense occurred within 3 years of the expiration of his or her
 97 sentence for the most recent theft conviction, commits a felony
 98 of the third degree, punishable as provided in s. 775.082 or s.
 99 775.083.

100 Section 2. Subsections (8) and (9) of section 812.015,

101 Florida Statutes, are amended 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 \$1,500 ~~\$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;

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

140 | 921.0022 Criminal Punishment Code; offense severity
 141 | ranking chart.—

142 | (3) OFFENSE SEVERITY RANKING CHART

143 | (b) LEVEL 2

144 |

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

145 |

HB 713

2018

Act.

146

379.2431
(1) (e) 4.

3rd

Possession of more than 11
marine turtle eggs in violation
of the Marine Turtle Protection
Act.

147

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.

148

517.07 (2)

3rd

Failure to furnish a prospectus
meeting requirements.

149

590.28 (1)

3rd

Intentional burning of lands.

150

784.05 (3)

3rd

Storing or leaving a loaded
firearm within reach of minor
who uses it to inflict injury
or death.

151

787.04 (1)

3rd

In violation of court order,
take, entice, etc., minor

beyond state limits.

152

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

153

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

154

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

155

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$1,500
~~\$300~~ or more but less than
\$5,000.

156

812.014(2)(d) 3rd Grand theft, 3rd degree; \$1,500
~~\$100~~ or more but less than
\$5,000 ~~\$300~~, taken from
unenclosed curtilage of
dwelling.

HB 713

2018

157

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

158

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

159

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

160

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

161

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

162

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

163

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

HB 713

2018

services with false card.

164

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

165

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

166

831.01 3rd Forgery.

167

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

168

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

169

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

170

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

HB 713

2018

notes.

171

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

172

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

173

843.08 3rd False personation.

174

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.

175

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

176

177 (e) LEVEL 5

178

Florida	Felony	
Statute	Degree	Description

HB 713

2018

179	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
180	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
181	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
182	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
183	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
184	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 crabs while license is suspended or revoked.

- 185
379.367 (4)
3rd
Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
- 186
379.407 (5) (b) 3.
3rd
Possession of 100 or more undersized spiny lobsters.
- 187
381.0041 (11) (b)
3rd
Donate blood, plasma, or organs knowing HIV positive.
- 188
440.10 (1) (g)
2nd
Failure to obtain workers' compensation coverage.

HB 713

2018

189	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
190	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
191	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
192	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
193	790.01 (2)	3rd	Carrying a concealed firearm.
194	790.162	2nd	Threat to throw or discharge destructive device.
195	790.163 (1)	2nd	False report of bomb,

HB 713

2018

explosive, weapon of mass destruction, or use of firearms in violent manner.

196

790.221(1) 2nd Possession of short-barreled shotgun or machine gun.

197

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

198

796.05(1) 2nd Live on earnings of a prostitute; 1st offense.

199

800.04(6)(c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

200

800.04(7)(b) 2nd Lewd or lascivious exhibition; offender 18 years of age or older.

201

806.111(1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or

HB 713

2018

property.

202

812.0145 (2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

203

812.015 (8) 3rd Retail theft; property stolen is valued at \$1,500 ~~\$300~~ or more and one or more specified acts.

204

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

205

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

206

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

207

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

208

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

HB 713

2018

209	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.
210	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.
211	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
212	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

HB 713

2018

213	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
214	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
215	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
216	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.
217	843.01	3rd	Resist officer with violence to person; resist arrest with

HB 713

2018

violence.

218

847.0135 (5) (b) 2nd Lewd or lascivious exhibition
using computer; offender 18
years or older.

219

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

220

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

221

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

222

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

223

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).

224

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.

225

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.

226

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.

227

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.

228

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

229

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

230

231 (f) LEVEL 6

HB 713

2018

232	Florida	Felony	Description
233	Statute	Degree	Description
233	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
234	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
235	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
236	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
237	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
238	499.0051 (4)	2nd	Knowing sale or transfer of

HB 713

2018

prescription drug to
unauthorized person.

239

775.0875 (1) 3rd Taking firearm from law
enforcement officer.

240

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

241

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

242

784.041 3rd Felony battery; domestic
battery by strangulation.

243

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

244

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

245

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

246

784.074 (1) (b) 2nd Aggravated assault on sexually

HB 713

2018

violent predators facility
staff.

247

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

248

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

249

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

250

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

251

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

252

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

253

790.161 (2) 2nd Make, possess, or throw
destructive device with intent

to do bodily harm or damage
property.

254

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.

255

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

256

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

257

794.05 (1) 2nd Unlawful sexual activity with
specified minor.

258

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.

HB 713

2018

259	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
260	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
261	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
262	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
263	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
264	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
265	812.015 (9) (a)	2nd	Retail theft; property stolen

HB 713

2018

\$1,500 ~~\$300~~ or more; second or subsequent adult conviction in specified period.

266

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

267

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

268

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

269

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

270

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

271

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

272

825.1025 (3) 3rd Lewd or lascivious molestation

HB 713

2018

of an elderly person or
disabled adult.

273

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

274

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

275

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

276

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

277

836.05 2nd Threats; extortion.

278

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

279

843.12 3rd Aids or assists person to
escape.

280

847.011 3rd Distributing, offering to
distribute, or possessing with

HB 713

2018

intent to distribute obscene materials depicting minors.

281

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

282

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

283

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

284

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.

285

944.40 2nd Escapes.

286

944.46 3rd Harboring, concealing, aiding

HB 713

2018

escaped prisoners.

287

944.47(1)(a)5.

2nd

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

288

951.22(1)

3rd

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

289

290

Section 4. This act shall take effect July 1, 2018.