

By the Committee on Criminal Justice; and Senators Bracy and Rouson

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1 A bill to be entitled
2 An act relating to theft; amending s. 812.014, F.S.;
3 revising threshold amounts and types of property which
4 qualify for theft offenses; amending s. 812.015, F.S.;
5 revising threshold amounts for retail theft; amending
6 s. 921.0022, F.S.; conforming provisions to changes
7 made by the act; conforming a cross-reference;
8 amending s. 985.557, F.S.; conforming cross-
9 references; reenacting ss. 95.18(10), 373.6055(3)(c),
10 400.9935(3), 409.910(17)(g), 489.126(4), 538.09(5),
11 538.23(2), 550.6305(10), 634.319(2), 634.421(2),
12 636.238(3), 642.038(2), 705.102(4), 718.111(1)(d),
13 812.015(2), 812.0155(1) and (2), 812.14(4), (7), and
14 (8), 893.138(3), 943.051(3)(b), and 985.11(1)(b),
15 F.S., relating to adverse possession without color of
16 title, criminal history checks for certain water
17 management district employees and others, clinic
18 responsibilities, responsibility for payments on
19 behalf of Medicaid-eligible persons when other parties
20 are liable, moneys received by contractors, secondhand
21 dealer registration, secondary metals recycler
22 violations and penalties, intertrack wagering,
23 diversion or appropriation of funds by warranty
24 association sales representatives, collection of fees
25 for purported membership in discount plan
26 organizations, diversion or appropriation of funds by
27 legal expense insurance sales representatives,
28 reporting lost or abandoned property, condominium
29 associations, retail and farm theft, suspension of

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30 driver license following an adjudication of guilt for
31 theft, trespass and larceny with relation to utility
32 fixtures and theft of utility services, local
33 administrative action to abate drug-related,
34 prostitution-related, or stolen-property-related
35 public nuisances and criminal gang activity,
36 fingerprinting of certain minors, and fingerprinting
37 and photographing of certain children, respectively,
38 to incorporate the amendments made by the act in
39 cross-references to amended provisions; providing an
40 effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Paragraphs (c), (d), and (e) of subsection (2)
45 and paragraphs (a), (b), and (c) of subsection (3) of section
46 812.014, Florida Statutes, are amended to read:

47 812.014 Theft.—

48 (2)

49 (c) It is grand theft of the third degree and a felony of
50 the third degree, punishable as provided in s. 775.082, s.
51 775.083, or s. 775.084, if the property stolen is:

52 1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.

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

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

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

56 ~~4.5.~~ A firearm.

57 ~~5.6.~~ A motor vehicle, except as provided in paragraph (a).

58 ~~6.7.~~ Any commercially farmed animal, including any animal

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59 of the equine, bovine, or swine class or other grazing animal; a
60 bee colony of a registered beekeeper; and aquaculture species
61 raised at a certified aquaculture facility. If the property
62 stolen is aquaculture species raised at a certified aquaculture
63 facility, then a \$10,000 fine shall be imposed.

64 ~~8. Any fire extinguisher.~~

65 7.9. Any amount of citrus fruit consisting of 2,000 or more
66 individual pieces of fruit.

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

69 ~~11. Any stop sign.~~

70 ~~12. Anhydrous ammonia.~~

71 8.13. Any amount of a controlled substance as defined in s.
72 893.02. Notwithstanding any other law, separate judgments and
73 sentences for theft of a controlled substance under this
74 subparagraph and for any applicable possession of controlled
75 substance offense under s. 893.13 or trafficking in controlled
76 substance offense under s. 893.135 may be imposed when all such
77 offenses involve the same amount or amounts of a controlled
78 substance.

79
80 However, if the property is stolen within a county that is
81 subject to a state of emergency declared by the Governor under
82 chapter 252, the property is stolen after the declaration of
83 emergency is made, and the perpetration of the theft is
84 facilitated by conditions arising from the emergency, the
85 offender commits a felony of the second degree, punishable as
86 provided in s. 775.082, s. 775.083, or s. 775.084, if the
87 property is valued at \$5,000 or more, but less than \$10,000, as

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88 provided under subparagraph 2., or if the property is valued at
89 \$10,000 or more, but less than \$20,000, as provided under
90 subparagraph 3. As used in this paragraph, the term "conditions
91 arising from the emergency" means civil unrest, power outages,
92 curfews, voluntary or mandatory evacuations, or a reduction in
93 the presence of or the response time for first responders or
94 homeland security personnel. For purposes of sentencing under
95 chapter 921, a felony offense that is reclassified under this
96 paragraph is ranked one level above the ranking under s.
97 921.0022 or s. 921.0023 of the offense committed.

98 (d) It is grand theft of the third degree and a felony of
99 the third degree, punishable as provided in s. 775.082, s.
100 775.083, or s. 775.084, if the property stolen is valued at
101 \$1,500 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken
102 from a dwelling as defined in s. 810.011(2) or from the
103 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

104 (e) Except as provided in paragraph (d), if the property
105 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,500
106 ~~\$300~~, the offender commits petit theft of the first degree,
107 punishable as a misdemeanor of the first degree, as provided in
108 s. 775.082 or s. 775.083.

109 (3) (a) Theft of any property not specified in subsection
110 (2) is petit theft of the second degree and a misdemeanor of the
111 second degree, punishable as provided in s. 775.082 or s.
112 775.083, and as provided in subsection (5), as applicable.

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

116 (c) A person who commits petit theft of the first degree

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117 and who has previously been convicted two or more times of any
118 theft as an adult commits a felony of the third degree,
119 punishable as provided in s. 775.082 or s. 775.083, if the third
120 or subsequent petit theft offense occurs within 3 years of his
121 or her most recent theft conviction.

122 Section 2. Subsections (8) and (9) of section 812.015,
123 Florida Statutes, are amended to read:

124 812.015 Retail and farm theft; transit fare evasion;
125 mandatory fine; alternative punishment; detention and arrest;
126 exemption from liability for false arrest; resisting arrest;
127 penalties.—

128 (8) Except as provided in subsection (9), a person who
129 commits retail theft commits a felony of the third degree,
130 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
131 if the property stolen is valued at \$1,500 ~~\$300~~ or more, and the
132 person:

133 (a) Individually, or in concert with one or more other
134 persons, coordinates the activities of one or more individuals
135 in committing the offense, in which case the amount of each
136 individual theft is aggregated to determine the value of the
137 property stolen;

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

141 (c) Acts in concert with one or more other individuals
142 within one or more establishments to distract the merchant,
143 merchant's employee, or law enforcement officer in order to
144 carry out the offense, or acts in other ways to coordinate
145 efforts to carry out the offense; or

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146 (d) Commits the offense through the purchase of merchandise
 147 in a package or box that contains merchandise other than, or in
 148 addition to, the merchandise purported to be contained in the
 149 package or box.

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

153 (a) Violates subsection (8) as an adult and within 3 years
 154 prior to the violation he or she has ~~previously~~ been convicted
 155 as an adult of a violation of subsection (8); or

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

160 Section 3. Paragraphs (a), (b), (d), (e), and (f) of
 161 subsection (3) of section 921.0022, Florida Statutes, are
 162 amended to read:

163 921.0022 Criminal Punishment Code; offense severity ranking
 164 chart.—

165 (3) OFFENSE SEVERITY RANKING CHART

166 (a) LEVEL 1

167

Florida	Felony	Description
Statute	Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax;

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limitations, administration,
and collection.

170

212.15(2)(b)

3rd

Failure to remit sales
taxes, amount greater than
\$300 but less than \$20,000.

171

316.1935(1)

3rd

Fleeing or attempting to
elude law enforcement
officer.

172

319.30(5)

3rd

Sell, exchange, give away
certificate of title or
identification number plate.

173

319.35(1)(a)

3rd

Tamper, adjust, change,
etc., an odometer.

174

320.26(1)(a)

3rd

Counterfeit, manufacture, or
sell registration license
plates or validation
stickers.

175

322.212
(1)(a)-(c)

3rd

Possession of forged,
stolen, counterfeit, or
unlawfully issued driver
license; possession of
simulated identification.

176

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177 322.212 (4) 3rd Supply or aid in supplying
unauthorized driver license
or identification card.

178 322.212 (5) (a) 3rd False application for driver
license or identification
card.

179 414.39 (3) (a) 3rd Fraudulent misappropriation
of public assistance funds
by employee/official, value
more than \$200.

180 443.071 (1) 3rd False statement or
representation to obtain or
increase reemployment
assistance benefits.

181 509.151 (1) 3rd Defraud an innkeeper, food
or lodging value greater
than \$300.

182 517.302 (1) 3rd Violation of the Florida
Securities and Investor
Protection Act.

183 562.27 (1) 3rd Possess still or still
apparatus.

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713.69

3rd

Tenant removes property upon which lien has accrued, value more than \$50.

184

812.014 (3) (c)

3rd

Petit theft as adult (3rd or subsequent conviction) within certain time; theft of any property not specified in subsection (2).

185

812.081 (2)

3rd

Unlawfully makes or causes to be made a reproduction of a trade secret.

186

815.04 (5) (a)

3rd

Offense against intellectual property (i.e., computer programs, data).

187

817.52 (2)

3rd

Hiring with intent to defraud, motor vehicle services.

188

817.569 (2)

3rd

Use of public record or public records information or providing false information to facilitate commission of a felony.

189

826.01

3rd

Bigamy.

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198

828.122 (3)	3rd	Fighting or baiting animals.
831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.15 (2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.

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199	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
200	849.01	3rd	Keeping gambling house.
201	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
202	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
203	849.25 (2)	3rd	Engaging in bookmaking.
204	860.08	3rd	Interfere with a railroad signal.
205	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
206	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).

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207

934.03 (1) (a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

208

209

210 (b) LEVEL 2

211

Florida Statute	Felony Degree	Description
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212

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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213

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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214

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
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waste.

215

517.07(2)

3rd

Failure to furnish a prospectus meeting requirements.

216

590.28(1)

3rd

Intentional burning of lands.

217

784.05(3)

3rd

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

218

787.04(1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

219

806.13(1)(b)3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

220

810.061(2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating

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or furthering burglary.

221

810.09(2)(e)

3rd

Trespassing on posted commercial horticulture property.

222

812.014(2)(c)1.

3rd

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

223

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.

224

812.015(7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

225

817.234(1)(a)2.

3rd

False statement in support of insurance claim.

226

817.481(3)(a)

3rd

Obtain credit or purchase with false, expired, counterfeit,

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etc., credit card, value
over \$300.

227

817.52 (3)

3rd

Failure to redeliver
hired vehicle.

228

817.54

3rd

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

229

817.60 (5)

3rd

Dealing in credit cards
of another.

230

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

231

817.61

3rd

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

232

826.04

3rd

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

233

831.01

3rd

Forgery.

234

831.02

3rd

Uttering forged

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instrument; utters or publishes alteration with intent to defraud.

235

831.07

3rd

Forging bank bills, checks, drafts, or promissory notes.

236

831.08

3rd

Possessing 10 or more forged notes, bills, checks, or drafts.

237

831.09

3rd

Uttering forged notes, bills, checks, drafts, or promissory notes.

238

831.11

3rd

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

239

832.05 (3) (a)

3rd

Cashing or depositing item with intent to defraud.

240

843.08

3rd

False personation.

241

893.13 (2) (a) 2.

3rd

Purchase of any s. 893.03 (1) (c), (2) (c) 1.,

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(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.

242

893.147 (2)

3rd

Manufacture or delivery
 of drug paraphernalia.

243

244 (d) LEVEL 4

245

Florida
 Statute

Felony
 Degree

Description

246

316.1935 (3) (a)

2nd

Driving at high speed or
 with wanton disregard
 for safety while fleeing
 or attempting to elude
 law enforcement officer
 who is in a patrol
 vehicle with siren and
 lights activated.

247

499.0051 (1)

3rd

Failure to maintain or
 deliver transaction
 history, transaction
 information, or
 transaction statements.

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248

499.0051 (5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

249

517.07 (1)

3rd

Failure to register securities.

250

517.12 (1)

3rd

Failure of dealer, associated person, or issuer of securities to register.

251

784.07 (2) (b)

3rd

Battery of law enforcement officer, firefighter, etc.

252

784.074 (1) (c)

3rd

Battery of sexually violent predators facility staff.

253

784.075

3rd

Battery on detention or commitment facility staff.

254

784.078

3rd

Battery of facility employee by throwing,

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tossing, or expelling
certain fluids or
materials.

255

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

256

784.081 (3)

3rd

Battery on specified
official or employee.

257

784.082 (3)

3rd

Battery by detained
person on visitor or
other detainee.

258

784.083 (3)

3rd

Battery on code
inspector.

259

784.085

3rd

Battery of child by
throwing, tossing,
projecting, or expelling
certain fluids or
materials.

260

787.03 (1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

261

787.04 (2)

3rd

Take, entice, or remove

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child beyond state
limits with criminal
intent pending custody
proceedings.

262

787.04 (3)

3rd

Carrying child beyond
state lines with
criminal intent to avoid
producing child at
custody hearing or
delivering to designated
person.

263

787.07

3rd

Human smuggling.

264

790.115 (1)

3rd

Exhibiting firearm or
weapon within 1,000 feet
of a school.

265

790.115 (2) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

266

790.115 (2) (c)

3rd

Possessing firearm on
school property.

267

800.04 (7) (c)

3rd

Lewd or lascivious

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exhibition; offender
less than 18 years.

268

810.02(4)(a)

3rd

Burglary, or attempted
burglary, of an
unoccupied structure;
unarmed; no assault or
battery.

269

810.02(4)(b)

3rd

Burglary, or attempted
burglary, of an
unoccupied conveyance;
unarmed; no assault or
battery.

270

810.06

3rd

Burglary; possession of
tools.

271

810.08(2)(c)

3rd

Trespass on property,
armed with firearm or
dangerous weapon.

272

812.014(2)(c)3.

3rd

Grand theft, 3rd degree
\$10,000 or more but less
than \$20,000.

273

812.014

3rd

Grand theft, 3rd degree,
a ~~will,~~ firearm, motor
vehicle, livestock, bee

(2)(c)4.-7.

~~812.014~~

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~~(2)(c)4.-10.~~

colony, aquaculture
species, citrus fruit
ete.

274

812.0195 (2)

3rd

Dealing in stolen property by use of the Internet; property stolen \$300 or more.

275

817.505 (4) (a)

3rd

Patient brokering.

276

817.563 (1)

3rd

Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

277

817.568 (2) (a)

3rd

Fraudulent use of personal identification information.

278

817.625 (2) (a)

3rd

Fraudulent use of scanning device, skimming device, or reencoder.

279

817.625 (2) (c)

3rd

Possess, sell, or deliver skimming device.

280

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	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
281	837.02 (1)	3rd	Perjury in official proceedings.
282	837.021 (1)	3rd	Make contradictory statements in official proceedings.
283	838.022	3rd	Official misconduct.
284	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
285	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
286	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
287			

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288	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
289	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
290	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
291	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
292	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
292	914.14 (2)	3rd	Witnesses accepting bribes.

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914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
(e) LEVEL 5		
Florida Statute	Felony Degree	Description
316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or

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eluding.

302

316.80 (2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

303

322.34 (6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

304

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

305

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

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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.

306

379.367(4)

3rd

Willful molestation of a
 commercial harvester's
 spiny lobster trap,
 line, or buoy.

307

379.407(5)(b)3.

3rd

Possession of 100 or
 more undersized spiny
 lobsters.

308

381.0041(11)(b)

3rd

Donate blood, plasma, or
 organs knowing HIV
 positive.

309

440.10(1)(g)

2nd

Failure to obtain
 workers' compensation

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coverage.

310

440.105 (5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

311

440.381 (2)

2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

312

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

313

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

314

790.01 (2)

3rd

Carrying a concealed firearm.

315

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316

790.162

2nd

Threat to throw or discharge destructive device.

317

790.163 (1)

2nd

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

318

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

319

790.23

2nd

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

320

796.05 (1)

2nd

Live on earnings of a prostitute; 1st offense.

321

800.04 (6) (c)

3rd

Lewd or lascivious conduct; offender less than 18 years of age.

800.04 (7) (b)

2nd

Lewd or lascivious exhibition; offender 18 years of age or older.

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322

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

323

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

324

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

325

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

326

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

327

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

328

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

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329

817.234 (11) (b)

2nd

Insurance fraud;
property value \$20,000
or more but less than
\$100,000.

330

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.

331

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.

332

817.611 (2) (a)

2nd

Traffic in or possess 5
to 14 counterfeit credit

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cards or related documents.

333

817.625 (2) (b)

2nd

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

334

825.1025 (4)

3rd

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

335

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

336

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

337

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338 839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

339 843.01 3rd Resist officer with violence to person; resist arrest with violence.

340 847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

341 847.0137 (2) & (3) 3rd Transmission of pornography by electronic device or equipment.

342 847.0138 (2) & (3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.

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

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second or subsequent
offense.

343

874.05(2)(a)

2nd

Encouraging or
recruiting person under
13 years of age to join
a criminal gang.

344

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).

345

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

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community center.

346

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.

347

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.

348

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

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1,000 feet of public housing facility.

349

893.13(4)(b)

2nd

Use or hire of minor; deliver to minor other controlled substance.

350

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

351

352

(f) LEVEL 6

353

Florida
Statute

Felony
Degree

Description

354

316.027(2)(b)

2nd

Leaving the scene of a crash involving serious bodily injury.

355

316.193(2)(b)

3rd

Felony DUI, 4th or subsequent conviction.

356

400.9935(4)(c)

2nd

Operating a clinic, or offering services requiring licensure, without a license.

357

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499.0051 (2)

2nd

Knowing forgery of transaction history, transaction information, or transaction statement.

358

499.0051 (3)

2nd

Knowing purchase or receipt of prescription drug from unauthorized person.

359

499.0051 (4)

2nd

Knowing sale or transfer of prescription drug to unauthorized person.

360

775.0875 (1)

3rd

Taking firearm from law enforcement officer.

361

784.021 (1) (a)

3rd

Aggravated assault; deadly weapon without intent to kill.

362

784.021 (1) (b)

3rd

Aggravated assault; intent to commit felony.

363

784.041

3rd

Felony battery; domestic battery by strangulation.

364

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365	784.048 (3)	3rd	Aggravated stalking; credible threat.
366	784.048 (5)	3rd	Aggravated stalking of person under 16.
367	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
368	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
369	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
370	784.081 (2)	2nd	Aggravated assault on specified official or employee.
371	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
	784.083 (2)	2nd	Aggravated assault on code inspector.

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372

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

373

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

374

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

375

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.

376

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

377

794.011 (8) (a) 3rd Solicitation of minor to

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participate in sexual activity by custodial adult.

378

794.05 (1)

2nd

Unlawful sexual activity with specified minor.

379

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.

380

800.04 (6) (b)

2nd

Lewd or lascivious conduct; offender 18 years of age or older.

381

806.031 (2)

2nd

Arson resulting in great bodily harm to firefighter or any other person.

382

810.02 (3) (c)

2nd

Burglary of occupied structure; unarmed; no assault or battery.

383

810.145 (8) (b)

2nd

Video voyeurism; certain minor victims; 2nd or

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subsequent offense.

384

812.014 (2) (b) 1.

2nd

Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

385

812.014 (6)

2nd

Theft; property stolen \$3,000 or more; coordination of others.

386

812.015 (9) (a)

2nd

Retail theft as adult; property stolen \$1,500 ~~\$300~~ or more; second or subsequent conviction within certain time.

387

812.015 (9) (b)

2nd

Retail theft; property stolen \$3,000 or more; coordination of others.

388

812.13 (2) (c)

2nd

Robbery, no firearm or other weapon (strong-arm robbery).

389

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

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390

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

391

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

392

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

393

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

394

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

395

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

396

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

397

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

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performance.

398

836.05

2nd

Threats; extortion.

399

836.10

2nd

Written threats to kill or do bodily injury.

400

843.12

3rd

Aids or assists person to escape.

401

847.011

3rd

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

402

847.012

3rd

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

403

847.0135 (2)

3rd

Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

404

914.23

2nd

Retaliation against a

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witness, victim, or informant, with bodily injury.

405

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.

406

944.40

2nd

Escapes.

407

944.46

3rd

Harboring, concealing, aiding escaped prisoners.

408

944.47 (1) (a) 5.

2nd

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

409

951.22 (1)

3rd

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

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410

411 Section 4. Paragraph (a) of subsection (1) and paragraph
412 (c) of subsection (2) of section 985.557, Florida Statutes, are
413 amended to read:

414 985.557 Direct filing of an information; discretionary and
415 mandatory criteria.—

416 (1) DISCRETIONARY DIRECT FILE.—

417 (a) With respect to any child who was 14 or 15 years of age
418 at the time the alleged offense was committed, the state
419 attorney may file an information when in the state attorney's
420 judgment and discretion the public interest requires that adult
421 sanctions be considered or imposed and when the offense charged
422 is for the commission of, attempt to commit, or conspiracy to
423 commit:

424 1. Arson;

425 2. Sexual battery;

426 3. Robbery;

427 4. Kidnapping;

428 5. Aggravated child abuse;

429 6. Aggravated assault;

430 7. Aggravated stalking;

431 8. Murder;

432 9. Manslaughter;

433 10. Unlawful throwing, placing, or discharging of a
434 destructive device or bomb;

435 11. Armed burglary in violation of s. 810.02(2)(b) or
436 specified burglary of a dwelling or structure in violation of s.
437 810.02(2)(c), or burglary with an assault or battery in
438 violation of s. 810.02(2)(a);

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- 439 12. Aggravated battery;
- 440 13. Any lewd or lascivious offense committed upon or in the
441 presence of a person less than 16 years of age;
- 442 14. Carrying, displaying, using, threatening, or attempting
443 to use a weapon or firearm during the commission of a felony;
- 444 15. Grand theft in violation of s. 812.014(2)(a);
- 445 16. Possessing or discharging any weapon or firearm on
446 school property in violation of s. 790.115;
- 447 17. Home invasion robbery;
- 448 18. Carjacking; or
- 449 19. Grand theft of a motor vehicle in violation of s.
450 812.014(2)(c)5. ~~s. 812.014(2)(e)6.~~ or grand theft of a motor
451 vehicle valued at \$20,000 or more in violation of s.
452 812.014(2)(b) if the child has a previous adjudication for grand
453 theft of a motor vehicle in violation of s. 812.014(2)(c)5. ~~s.~~
454 ~~812.014(2)(e)6.~~ or s. 812.014(2)(b).
- 455 (2) MANDATORY DIRECT FILE.—
- 456 (c) The state attorney must file an information if a child,
457 regardless of the child's age at the time the alleged offense
458 was committed, is alleged to have committed an act that would be
459 a violation of law if the child were an adult, that involves
460 stealing a motor vehicle, including, but not limited to, a
461 violation of s. 812.133, relating to carjacking, or s.
462 812.014(2)(c)5. ~~s. 812.014(2)(e)6.~~, relating to grand theft of a
463 motor vehicle, and while the child was in possession of the
464 stolen motor vehicle the child caused serious bodily injury to
465 or the death of a person who was not involved in the underlying
466 offense. For purposes of this section, the driver and all
467 willing passengers in the stolen motor vehicle at the time such

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468 serious bodily injury or death is inflicted shall also be
469 subject to mandatory transfer to adult court. "Stolen motor
470 vehicle," for the purposes of this section, means a motor
471 vehicle that has been the subject of any criminal wrongful
472 taking. For purposes of this section, "willing passengers" means
473 all willing passengers who have participated in the underlying
474 offense.

475 Section 5. For the purpose of incorporating the amendment
476 made by this act to section 812.014, Florida Statutes, in a
477 reference thereto, subsection (10) of section 95.18, Florida
478 Statutes, is reenacted to read:

479 95.18 Real property actions; adverse possession without
480 color of title.—

481 (10) A person who occupies or attempts to occupy a
482 residential structure solely by claim of adverse possession
483 under this section and offers the property for lease to another
484 commits theft under s. 812.014.

485 Section 6. For the purpose of incorporating the amendment
486 made by this act to section 812.014, Florida Statutes, in a
487 reference thereto, paragraph (c) of subsection (3) of section
488 373.6055, Florida Statutes, is reenacted to read:

489 373.6055 Criminal history checks for certain water
490 management district employees and others.—

491 (3)

492 (c) In addition to other requirements for employment or
493 access established by any water management district pursuant to
494 its water management district's security plan for buildings,
495 facilities, and structures, each water management district's
496 security plan shall provide that:

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497 1. Any person who has within the past 7 years been
498 convicted, regardless of whether adjudication was withheld, for
499 a forcible felony as defined in s. 776.08; an act of terrorism
500 as defined in s. 775.30; planting of a hoax bomb as provided in
501 s. 790.165; any violation involving the manufacture, possession,
502 sale, delivery, display, use, or attempted or threatened use of
503 a weapon of mass destruction or hoax weapon of mass destruction
504 as provided in s. 790.166; dealing in stolen property; any
505 violation of s. 893.135; any violation involving the sale,
506 manufacturing, delivery, or possession with intent to sell,
507 manufacture, or deliver a controlled substance; burglary;
508 robbery; any felony violation of s. 812.014; any violation of s.
509 790.07; any crime an element of which includes use or possession
510 of a firearm; any conviction for any similar offenses under the
511 laws of another jurisdiction; or conviction for conspiracy to
512 commit any of the listed offenses may not be qualified for
513 initial employment within or authorized regular access to
514 buildings, facilities, or structures defined in the water
515 management district's security plan as restricted access areas.

516 2. Any person who has at any time been convicted of any of
517 the offenses listed in subparagraph 1. may not be qualified for
518 initial employment within or authorized regular access to
519 buildings, facilities, or structures defined in the water
520 management district's security plan as restricted access areas
521 unless, after release from incarceration and any supervision
522 imposed as a sentence, the person remained free from a
523 subsequent conviction, regardless of whether adjudication was
524 withheld, for any of the listed offenses for a period of at
525 least 7 years prior to the employment or access date under

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526 consideration.

527 Section 7. For the purpose of incorporating the amendment
528 made by this act to section 812.014, Florida Statutes, in a
529 reference thereto, subsection (3) of section 400.9935, Florida
530 Statutes, is reenacted to read:

531 400.9935 Clinic responsibilities.—

532 (3) A charge or reimbursement claim made by or on behalf of
533 a clinic that is required to be licensed under this part but
534 that is not so licensed, or that is otherwise operating in
535 violation of this part, regardless of whether a service is
536 rendered or whether the charge or reimbursement claim is paid,
537 is an unlawful charge and is noncompensable and unenforceable. A
538 person who knowingly makes or causes to be made an unlawful
539 charge commits theft within the meaning of and punishable as
540 provided in s. 812.014.

541 Section 8. For the purpose of incorporating the amendment
542 made by this act to section 812.014, Florida Statutes, in a
543 reference thereto, paragraph (g) of subsection (17) of section
544 409.910, Florida Statutes, is reenacted to read:

545 409.910 Responsibility for payments on behalf of Medicaid-
546 eligible persons when other parties are liable.—

547 (17)

548 (g) The agency may investigate and request appropriate
549 officers or agencies of the state to investigate suspected
550 criminal violations or fraudulent activity related to third-
551 party benefits, including, without limitation, ss. 414.39 and
552 812.014. Such requests may be directed, without limitation, to
553 the Medicaid Fraud Control Unit of the Office of the Attorney
554 General or to any state attorney. Pursuant to s. 409.913, the

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555 Attorney General has primary responsibility to investigate and
556 control Medicaid fraud.

557 Section 9. For the purpose of incorporating the amendment
558 made by this act to section 812.014, Florida Statutes, in a
559 reference thereto, subsection (4) of section 489.126, Florida
560 Statutes, is reenacted to read:

561 489.126 Moneys received by contractors.—

562 (4) Any person who violates any provision of this section
563 is guilty of theft and shall be prosecuted and punished under s.
564 812.014.

565 Section 10. For the purpose of incorporating the amendment
566 made by this act to section 812.015, Florida Statutes, in a
567 reference thereto, subsection (5) of section 538.09, Florida
568 Statutes, is reenacted to read:

569 538.09 Registration.—

570 (5) In addition to the fine provided in subsection (4),
571 registration under this section may be denied or any
572 registration granted may be revoked, restricted, or suspended by
573 the department if the department determines that the applicant
574 or registrant:

575 (a) Has violated any provision of this chapter or any rule
576 or order made pursuant to this chapter;

577 (b) Has made a material false statement in the application
578 for registration;

579 (c) Has been guilty of a fraudulent act in connection with
580 any purchase or sale or has been or is engaged in or is about to
581 engage in any practice, purchase, or sale which is fraudulent or
582 in violation of the law;

583 (d) Has made a misrepresentation or false statement to, or

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584 concealed any essential or material fact from, any person in
585 making any purchase or sale;

586 (e) Is making purchases or sales through any business
587 associate not registered in compliance with the provisions of
588 this chapter;

589 (f) Has, within the preceding 10-year period for new
590 registrants who apply for registration on or after October 1,
591 2006, been convicted of, or has entered a plea of guilty or nolo
592 contendere to, or had adjudication withheld for, a crime against
593 the laws of this state or any other state or of the United
594 States which relates to registration as a secondhand dealer or
595 which involves theft, larceny, dealing in stolen property,
596 receiving stolen property, burglary, embezzlement, obtaining
597 property by false pretenses, possession of altered property, any
598 felony drug offense, any violation of s. 812.015, or any
599 fraudulent dealing;

600 (g) Has had a final judgment entered against her or him in
601 a civil action upon grounds of fraud, embezzlement,
602 misrepresentation, or deceit; or

603 (h) Has failed to pay any sales tax owed to the Department
604 of Revenue.

605

606 In the event the department determines to deny an application or
607 revoke a registration, it shall enter a final order with its
608 findings on the register of secondhand dealers and their
609 business associates, if any; and denial, suspension, or
610 revocation of the registration of a secondhand dealer shall also
611 deny, suspend, or revoke the registration of such secondhand
612 dealer's business associates.

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613 Section 11. For the purpose of incorporating the amendment
614 made by this act to section 812.014, Florida Statutes, in a
615 reference thereto, subsection (2) of section 538.23, Florida
616 Statutes, is reenacted to read:

617 538.23 Violations and penalties.—

618 (2) A secondary metals recycler is presumed to know upon
619 receipt of stolen regulated metals property in a purchase
620 transaction that the regulated metals property has been stolen
621 from another if the secondary metals recycler knowingly and
622 intentionally fails to maintain the information required in s.
623 538.19 and shall, upon conviction of a violation of s. 812.015,
624 be punished as provided in s. 812.014(2) or (3).

625 Section 12. For the purpose of incorporating the amendment
626 made by this act to section 812.014, Florida Statutes, in a
627 reference thereto, subsection (10) of section 550.6305, Florida
628 Statutes, is reenacted to read:

629 550.6305 Intertrack wagering; guest track payments;
630 accounting rules.—

631 (10) All races or games conducted at a permitholder's
632 facility, all broadcasts of such races or games, and all
633 broadcast rights relating thereto are owned by the permitholder
634 at whose facility such races or games are conducted and
635 constitute the permitholder's property as defined in s.
636 812.012(4). Transmission, reception of a transmission,
637 exhibition, use, or other appropriation of such races or games,
638 broadcasts of such races or games, or broadcast rights relating
639 thereto without the written consent of the permitholder
640 constitutes a theft of such property under s. 812.014; and in
641 addition to the penal sanctions contained in s. 812.014, the

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642 permitholder has the right to avail itself of the civil remedies
643 specified in ss. 772.104, 772.11, and 812.035 in addition to any
644 other remedies available under applicable state or federal law.

645 Section 13. For the purpose of incorporating the amendment
646 made by this act to section 812.014, Florida Statutes, in a
647 reference thereto, subsection (2) of section 634.319, Florida
648 Statutes, is reenacted to read:

649 634.319 Reporting and accounting for funds.—

650 (2) Any sales representative who, not being entitled
651 thereto, diverts or appropriates such funds or any portion
652 thereof to her or his own use is, upon conviction, guilty of
653 theft, punishable as provided in s. 812.014.

654 Section 14. For the purpose of incorporating the amendment
655 made by this act to section 812.014, Florida Statutes, in a
656 reference thereto, subsection (2) of section 634.421, Florida
657 Statutes, is reenacted to read:

658 634.421 Reporting and accounting for funds.—

659 (2) Any sales representative who, not being entitled
660 thereto, diverts or appropriates funds or any portion thereof to
661 her or his own use commits theft as provided in s. 812.014.

662 Section 15. For the purpose of incorporating the amendment
663 made by this act to section 812.014, Florida Statutes, in a
664 reference thereto, subsection (3) of section 636.238, Florida
665 Statutes, is reenacted to read:

666 636.238 Penalties for violation of this part.—

667 (3) A person who collects fees for purported membership in
668 a discount plan but purposefully fails to provide the promised
669 benefits commits a theft, punishable as provided in s. 812.014.

670 Section 16. For the purpose of incorporating the amendment

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671 made by this act to section 812.014, Florida Statutes, in a
672 reference thereto, subsection (2) of section 642.038, Florida
673 Statutes, is reenacted to read:

674 642.038 Reporting and accounting for funds.—

675 (2) Any sales representative who, not being entitled
676 thereto, diverts or appropriates such funds or any portion
677 thereof to his or her own use commits theft as provided in s.
678 812.014.

679 Section 17. For the purpose of incorporating the amendment
680 made by this act to section 812.014, Florida Statutes, in a
681 reference thereto, subsection (4) of section 705.102, Florida
682 Statutes, is reenacted to read:

683 705.102 Reporting lost or abandoned property.—

684 (4) Any person who unlawfully appropriates such lost or
685 abandoned property to his or her own use or refuses to deliver
686 such property when required commits theft as defined in s.
687 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
688 775.084.

689 Section 18. For the purpose of incorporating the amendment
690 made by this act to section 812.014, Florida Statutes, in a
691 reference thereto, paragraph (d) of subsection (1) of section
692 718.111, Florida Statutes, is reenacted to read:

693 718.111 The association.—

694 (1) CORPORATE ENTITY.—

695 (d) As required by s. 617.0830, an officer, director, or
696 agent shall discharge his or her duties in good faith, with the
697 care an ordinarily prudent person in a like position would
698 exercise under similar circumstances, and in a manner he or she
699 reasonably believes to be in the interests of the association.

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700 An officer, director, or agent shall be liable for monetary
701 damages as provided in s. 617.0834 if such officer, director, or
702 agent breached or failed to perform his or her duties and the
703 breach of, or failure to perform, his or her duties constitutes
704 a violation of criminal law as provided in s. 617.0834;
705 constitutes a transaction from which the officer or director
706 derived an improper personal benefit, either directly or
707 indirectly; or constitutes recklessness or an act or omission
708 that was in bad faith, with malicious purpose, or in a manner
709 exhibiting wanton and willful disregard of human rights, safety,
710 or property. Forgery of a ballot envelope or voting certificate
711 used in a condominium association election is punishable as
712 provided in s. 831.01, the theft or embezzlement of funds of a
713 condominium association is punishable as provided in s. 812.014,
714 and the destruction of or the refusal to allow inspection or
715 copying of an official record of a condominium association that
716 is accessible to unit owners within the time periods required by
717 general law in furtherance of any crime is punishable as
718 tampering with physical evidence as provided in s. 918.13 or as
719 obstruction of justice as provided in chapter 843. An officer or
720 director charged by information or indictment with a crime
721 referenced in this paragraph must be removed from office, and
722 the vacancy shall be filled as provided in s. 718.112(2)(d)2.
723 until the end of the officer's or director's period of
724 suspension or the end of his or her term of office, whichever
725 occurs first. If a criminal charge is pending against the
726 officer or director, he or she may not be appointed or elected
727 to a position as an officer or a director of any association and
728 may not have access to the official records of any association,

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729 except pursuant to a court order. However, if the charges are
730 resolved without a finding of guilt, the officer or director
731 must be reinstated for the remainder of his or her term of
732 office, if any.

733 Section 19. For the purpose of incorporating the amendment
734 made by this act to section 812.014, Florida Statutes, in a
735 reference thereto, subsection (2) of section 812.015, Florida
736 Statutes, is reenacted to read:

737 812.015 Retail and farm theft; transit fare evasion;
738 mandatory fine; alternative punishment; detention and arrest;
739 exemption from liability for false arrest; resisting arrest;
740 penalties.—

741 (2) Upon a second or subsequent conviction for petit theft
742 from a merchant, farmer, or transit agency, the offender shall
743 be punished as provided in s. 812.014(3), except that the court
744 shall impose a fine of not less than \$50 or more than \$1,000.
745 However, in lieu of such fine, the court may require the
746 offender to perform public services designated by the court. In
747 no event shall any such offender be required to perform fewer
748 than the number of hours of public service necessary to satisfy
749 the fine assessed by the court, as provided by this subsection,
750 at the minimum wage prevailing in the state at the time of
751 sentencing.

752 Section 20. For the purpose of incorporating the amendment
753 made by this act to section 812.014, Florida Statutes, in a
754 reference thereto, subsections (1) and (2) of section 812.0155,
755 Florida Statutes, are reenacted to read:

756 812.0155 Suspension of driver license following an
757 adjudication of guilt for theft.—

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758 (1) Except as provided in subsections (2) and (3), the
759 court may order the suspension of the driver license of each
760 person adjudicated guilty of any misdemeanor violation of s.
761 812.014 or s. 812.015, regardless of the value of the property
762 stolen. Upon ordering the suspension of the driver license of
763 the person adjudicated guilty, the court shall forward the
764 driver license of the person adjudicated guilty to the
765 Department of Highway Safety and Motor Vehicles in accordance
766 with s. 322.25.

767 (a) The first suspension of a driver license under this
768 subsection shall be for a period of up to 6 months.

769 (b) A second or subsequent suspension of a driver license
770 under this subsection shall be for 1 year.

771 (2) The court may revoke, suspend, or withhold issuance of
772 a driver license of a person less than 18 years of age who
773 violates s. 812.014 or s. 812.015 as an alternative to
774 sentencing the person to:

775 (a) Probation as defined in s. 985.03 or commitment to the
776 Department of Juvenile Justice, if the person is adjudicated
777 delinquent for such violation and has not previously been
778 convicted of or adjudicated delinquent for any criminal offense,
779 regardless of whether adjudication was withheld.

780 (b) Probation as defined in s. 985.03, commitment to the
781 Department of Juvenile Justice, probation as defined in chapter
782 948, community control, or incarceration, if the person is
783 convicted as an adult of such violation and has not previously
784 been convicted of or adjudicated delinquent for any criminal
785 offense, regardless of whether adjudication was withheld.

786 Section 21. For the purpose of incorporating the amendment

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787 made by this act to section 812.014, Florida Statutes, in a
788 reference thereto, subsections (4), (7), and (8) of section
789 812.14, Florida Statutes, are reenacted to read:

790 812.14 Trespass and larceny with relation to utility
791 fixtures; theft of utility services.—

792 (4) A person who willfully violates subsection (2) commits
793 theft, punishable as provided in s. 812.014.

794 (7) An owner, lessor, or sublessor who willfully violates
795 subsection (5) commits a misdemeanor of the first degree,
796 punishable as provided in s. 775.082 or s. 775.083. Prosecution
797 for a violation of subsection (5) does not preclude prosecution
798 for theft pursuant to subsection (8) or s. 812.014.

799 (8) Theft of utility services for the purpose of
800 facilitating the manufacture of a controlled substance is theft,
801 punishable as provided in s. 812.014.

802 Section 22. For the purpose of incorporating the amendment
803 made by this act to section 812.014, Florida Statutes, in a
804 reference thereto, subsection (3) of section 893.138, Florida
805 Statutes, is reenacted to read:

806 893.138 Local administrative action to abate drug-related,
807 prostitution-related, or stolen-property-related public
808 nuisances and criminal gang activity.—

809 (3) Any pain-management clinic, as described in s. 458.3265
810 or s. 459.0137, which has been used on more than two occasions
811 within a 6-month period as the site of a violation of:

812 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
813 relating to assault and battery;

814 (b) Section 810.02, relating to burglary;

815 (c) Section 812.014, relating to theft;

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816 (d) Section 812.131, relating to robbery by sudden
817 snatching; or

818 (e) Section 893.13, relating to the unlawful distribution
819 of controlled substances,

820

821 may be declared to be a public nuisance, and such nuisance may
822 be abated pursuant to the procedures provided in this section.

823 Section 23. For the purpose of incorporating the amendment
824 made by this act to section 812.014, Florida Statutes, in a
825 reference thereto, paragraph (b) of subsection (3) of section
826 943.051, Florida Statutes, is reenacted to read:

827 943.051 Criminal justice information; collection and
828 storage; fingerprinting.—

829 (3)

830 (b) A minor who is charged with or found to have committed
831 the following offenses shall be fingerprinted and the
832 fingerprints shall be submitted electronically to the
833 department, unless the minor is issued a civil citation pursuant
834 to s. 985.12:

835 1. Assault, as defined in s. 784.011.

836 2. Battery, as defined in s. 784.03.

837 3. Carrying a concealed weapon, as defined in s. 790.01(1).

838 4. Unlawful use of destructive devices or bombs, as defined
839 in s. 790.1615(1).

840 5. Neglect of a child, as defined in s. 827.03(1)(e).

841 6. Assault or battery on a law enforcement officer, a
842 firefighter, or other specified officers, as defined in s.
843 784.07(2)(a) and (b).

844 7. Open carrying of a weapon, as defined in s. 790.053.

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- 845 8. Exposure of sexual organs, as defined in s. 800.03.
- 846 9. Unlawful possession of a firearm, as defined in s.
- 847 790.22(5).
- 848 10. Petit theft, as defined in s. 812.014(3).
- 849 11. Cruelty to animals, as defined in s. 828.12(1).
- 850 12. Arson, as defined in s. 806.031(1).
- 851 13. Unlawful possession or discharge of a weapon or firearm
- 852 at a school-sponsored event or on school property, as provided
- 853 in s. 790.115.
- 854 Section 24. For the purpose of incorporating the amendment
- 855 made by this act to section 812.014, Florida Statutes, in a
- 856 reference thereto, paragraph (b) of subsection (1) of section
- 857 985.11, Florida Statutes, is reenacted to read:
- 858 985.11 Fingerprinting and photographing.—
- 859 (1)
- 860 (b) Unless the child is issued a civil citation or is
- 861 participating in a similar diversion program pursuant to s.
- 862 985.12, a child who is charged with or found to have committed
- 863 one of the following offenses shall be fingerprinted, and the
- 864 fingerprints shall be submitted to the Department of Law
- 865 Enforcement as provided in s. 943.051(3)(b):
- 866 1. Assault, as defined in s. 784.011.
- 867 2. Battery, as defined in s. 784.03.
- 868 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 869 4. Unlawful use of destructive devices or bombs, as defined
- 870 in s. 790.1615(1).
- 871 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 872 6. Assault on a law enforcement officer, a firefighter, or
- 873 other specified officers, as defined in s. 784.07(2)(a).

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- 874 7. Open carrying of a weapon, as defined in s. 790.053.
875 8. Exposure of sexual organs, as defined in s. 800.03.
876 9. Unlawful possession of a firearm, as defined in s.
877 790.22(5).
878 10. Petit theft, as defined in s. 812.014.
879 11. Cruelty to animals, as defined in s. 828.12(1).
880 12. Arson, resulting in bodily harm to a firefighter, as
881 defined in s. 806.031(1).
882 13. Unlawful possession or discharge of a weapon or firearm
883 at a school-sponsored event or on school property as defined in
884 s. 790.115.
885
886 A law enforcement agency may fingerprint and photograph a child
887 taken into custody upon probable cause that such child has
888 committed any other violation of law, as the agency deems
889 appropriate. Such fingerprint records and photographs shall be
890 retained by the law enforcement agency in a separate file, and
891 these records and all copies thereof must be marked "Juvenile
892 Confidential." These records are not available for public
893 disclosure and inspection under s. 119.07(1) except as provided
894 in ss. 943.053 and 985.04(2), but shall be available to other
895 law enforcement agencies, criminal justice agencies, state
896 attorneys, the courts, the child, the parents or legal
897 custodians of the child, their attorneys, and any other person
898 authorized by the court to have access to such records. In
899 addition, such records may be submitted to the Department of Law
900 Enforcement for inclusion in the state criminal history records
901 and used by criminal justice agencies for criminal justice
902 purposes. These records may, in the discretion of the court, be

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903 open to inspection by anyone upon a showing of cause. The
904 fingerprint and photograph records shall be produced in the
905 court whenever directed by the court. Any photograph taken
906 pursuant to this section may be shown by a law enforcement
907 officer to any victim or witness of a crime for the purpose of
908 identifying the person who committed such crime.

909 Section 25. This act shall take effect October 1, 2018.