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576-02767-19

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to theft; amending s. 812.014, F.S.;
increasing threshold amounts for certain theft
offenses; authorizing the imposition of a fine up to a
certain amount, rather than requiring a specified
amount, for the theft of certain animals; revising the
list of items the theft of which constitutes theft of
the third degree; providing that the value of taken
property is based on fair market value at the time of
the taking; requiring the Office of Program Policy and
Analysis (OPPAGA) to perform a study about certain
threshold amounts on a specified schedule; providing
study requirements; requiring OPPAGA to consult with
the Office of Economic and Demographic Research and
other interested entities; requiring OPPAGA to submit
a report to the Governor and the Legislature by a
certain date and on a specified basis; amending s.
812.015, F.S.; defining the term "value"; increasing
threshold amounts for a certain theft offense;
revising the circumstances under which an offense of
retail theft constitutes a felony of the second
degree; requiring the Office of Program Policy and
Analysis (OPPAGA) to perform a study about certain
threshold amounts on a specified schedule; providing
study requirements; requiring OPPAGA to consult with
the Office of Economic and Demographic Research and
other interested entities; requiring OPPAGA to submit



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28 a report to the Governor and the Legislature by a
29 certain date and on a specified basis; amending s.
30 921.0022, F.S.; conforming provisions to changes made
31 by the act; conforming a cross-reference; reenacting
32 ss. 95.18(10), 373.6055(3)(c), 400.9935(3),
33 409.910(17)(g), 489.126(4), 550.6305(10), 627.743(2),
34 634.319(2), 634.421(2), 636.238(3), 642.038(2),
35 705.102(4), 718.111(1)(d), 812.015(2), 812.0155(1) and
36 (2), 812.14(4), (7), and (8), 893.138(3),
37 932.701(2)(a), 943.051(3)(b), 985.11(1)(b), and
38 985.557(1)(a) and (2)(c), F.S., relating to adverse
39 possession without color of title; criminal history
40 checks for certain water management district employees
41 and others; clinic responsibilities; responsibility
42 for payments on behalf of Medicaid-eligible persons
43 when other parties are liable; moneys received by
44 contractors; intertrack wagering; payment of third-
45 party claims; diversion or appropriation of certain
46 funds received by sales representatives; diversion or
47 appropriation of certain funds received by sales
48 representatives; penalties for certain violations;
49 diversion or appropriation of certain funds received
50 by sales representatives; reporting lost or abandoned
51 property; condominium associations; retail and farm
52 theft; suspension of driver license following an
53 adjudication of guilt for theft; trespass and larceny
54 with relation to utility fixtures and theft of utility
55 services; local administrative action to abate drug-
56 related, prostitution-related, or stolen-property-



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57 related public nuisances and criminal gang activity;
58 the definition of the term "contraband article";
59 fingerprinting of certain minors; fingerprinting and
60 photographing of certain children; and discretionary
61 and mandatory criteria for the direct filing of an
62 information, respectively, to incorporate the
63 amendment made to s. 812.014, F.S., in references
64 thereto; reenacting s. 538.09(5), F.S., relating to
65 the registration of a secondhand dealer, to
66 incorporate the amendment made to s. 812.015, F.S., in
67 a reference thereto; reenacting ss. 538.23(2) and
68 812.0155(2), F.S., relating to secondary metals
69 recycler violations and penalties and suspension of
70 driver license following an adjudication of guilt for
71 theft, respectively, to incorporate the amendments
72 made to ss. 812.014 and 812.015, F.S., in references
73 thereto; providing an effective date.

74

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

76

77 Section 1. Paragraphs (c), (d), and (e) of subsection (2)
78 and subsection (3) of section 812.014, Florida Statutes, are
79 amended, and subsections (7) and (8) are added to that section,
80 to read:

81 812.014 Theft.—

82 (2)

83 (c) It is grand theft of the third degree and a felony of
84 the third degree, punishable as provided in s. 775.082, s.
85 775.083, or s. 775.084, if the property stolen is:



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- 86 1. Valued at \$1,500 ~~\$300~~ or more, but less than \$5,000.
- 87 2. Valued at \$5,000 or more, but less than \$10,000.
- 88 3. Valued at \$10,000 or more, but less than \$20,000.
- 89 4. A will, codicil, or other testamentary instrument.
- 90 5. A firearm.
- 91 6. A motor vehicle, except as provided in paragraph (a).
- 92 7. Any commercially farmed animal, including any animal of
- 93 the equine, avian, bovine, or swine class or other grazing
- 94 animal; a bee colony of a registered beekeeper; and aquaculture
- 95 species raised at a certified aquaculture facility. If the
- 96 property stolen is a commercially farmed animal, including an
- 97 animal of the equine, avian, bovine, or swine class or other
- 98 grazing animal; a bee colony of a registered beekeeper; or an
- 99 aquaculture species raised at a certified aquaculture facility,
- 100 a fine of up to \$10,000 may ~~fine shall~~ be imposed.
- 101 ~~8. Any fire extinguisher.~~
- 102 ~~8.9.~~ Any amount of citrus fruit consisting of 2,000 or more
- 103 individual pieces of fruit.
- 104 ~~9.10.~~ Taken from a designated construction site identified
- 105 by the posting of a sign as provided for in s. 810.09(2)(d).
- 106 ~~10.11.~~ Any stop sign.
- 107 ~~11.12.~~ Anhydrous ammonia.
- 108 ~~12.13.~~ Any amount of a controlled substance as defined in
- 109 s. 893.02. Notwithstanding any other law, separate judgments and
- 110 sentences for theft of a controlled substance under this
- 111 subparagraph and for any applicable possession of controlled
- 112 substance offense under s. 893.13 or trafficking in controlled
- 113 substance offense under s. 893.135 may be imposed when all such
- 114 offenses involve the same amount or amounts of a controlled



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115 substance.

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117 However, if the property is stolen within a county that is
118 subject to a state of emergency declared by the Governor under
119 chapter 252, the property is stolen after the declaration of
120 emergency is made, and the perpetration of the theft is
121 facilitated by conditions arising from the emergency, the
122 offender commits a felony of the second degree, punishable as
123 provided in s. 775.082, s. 775.083, or s. 775.084, if the
124 property is valued at \$5,000 or more, but less than \$10,000, as
125 provided under subparagraph 2., or if the property is valued at
126 \$10,000 or more, but less than \$20,000, as provided under
127 subparagraph 3. As used in this paragraph, the term "conditions
128 arising from the emergency" means civil unrest, power outages,
129 curfews, voluntary or mandatory evacuations, or a reduction in
130 the presence of or the response time for first responders or
131 homeland security personnel. For purposes of sentencing under
132 chapter 921, a felony offense that is reclassified under this
133 paragraph is ranked one level above the ranking under s.
134 921.0022 or s. 921.0023 of the offense committed.

135 (d) It is grand theft of the third degree and a felony of
136 the third degree, punishable as provided in s. 775.082, s.
137 775.083, or s. 775.084, if the property stolen is valued at
138 \$1,500 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken
139 from a dwelling as defined in s. 810.011(2) or from the
140 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

141 (e) Except as provided in paragraph (d), if the property
142 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,500
143 ~~\$300~~, the offender commits petit theft of the first degree,



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144 punishable as a misdemeanor of the first degree, as provided in
145 s. 775.082 or s. 775.083.

146 (3) (a) Theft of any property not specified in subsection
147 (2) is petit theft of the second degree and a misdemeanor of the
148 second degree, punishable as provided in s. 775.082 or s.
149 775.083, and as provided in subsection (5), as applicable.

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

153 (c) A person who commits petit theft in the first degree
154 and who has previously been convicted two or more times as an
155 adult of any theft commits a felony of the third degree,
156 punishable as provided in s. 775.082 or s. 775.083 if the third
157 or subsequent petit theft offense occurred within 3 years after
158 the expiration of his or her sentence for the most recent theft
159 conviction.

160 (d)1. Every judgment of guilty or not guilty of a petit
161 theft shall be in writing, signed by the judge, and recorded by
162 the clerk of the circuit court. The judge shall cause to be
163 affixed to every such written judgment of guilty of petit theft,
164 in open court and in the presence of such judge, the
165 fingerprints of the defendant against whom such judgment is
166 rendered. Such fingerprints shall be affixed beneath the judge's
167 signature to such judgment. Beneath such fingerprints shall be
168 appended a certificate to the following effect:

169
170 "I hereby certify that the above and foregoing fingerprints
171 on this judgment are the fingerprints of the defendant,,
172 and that they were placed thereon by said defendant in my



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173 presence, in open court, this the day of,
174 ... (year)...."

175
176 Such certificate shall be signed by the judge, whose signature
177 thereto shall be followed by the word "Judge."

178 2. Any such written judgment of guilty of a petit theft, or
179 a certified copy thereof, is admissible in evidence in the
180 courts of this state as prima facie evidence that the
181 fingerprints appearing thereon and certified by the judge are
182 the fingerprints of the defendant against whom such judgment of
183 guilty of a petit theft was rendered.

184 (7) For purposes of determining the value of property taken
185 in violation of this section, the value must be based on the
186 fair market value of the property at the time the taking
187 occurred.

188 (8) The Office of Program Policy Analysis and Government
189 Accountability shall perform a study every 5 years to determine
190 the appropriateness of the threshold amounts included in this
191 section. The study's scope must include, but need not be limited
192 to, the crime trends related to theft offenses, the theft
193 threshold amounts of other states in effect at the time of the
194 study, the fiscal impact of any modifications to this state's
195 threshold amounts, and the effect on economic factors, such as
196 inflation. The study must include options for amending the
197 threshold amounts if the study finds that such amounts are
198 inconsistent with current trends. In conducting the study,
199 OPPAGA shall consult with the Office of Economic and Demographic
200 Research in addition to other interested entities. OPPAGA shall
201 submit a report to the Governor, the President of the Senate,



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202 and the Speaker of the House of Representatives by September 1
203 of each fifth year.

204 Section 2. Subsections (8) and (9) of section 812.015,
205 Florida Statutes, are amended, and paragraph (n) of subsection
206 (1) and subsection (10) are added to that section, to read:

207 812.015 Retail and farm theft; transit fare evasion;
208 mandatory fine; alternative punishment; detention and arrest;
209 exemption from liability for false arrest; resisting arrest;
210 penalties.—

211 (1) As used in this section:

212 (n) “Value” means the fair market value of the property
213 taken in violation of this section at the time the taking
214 occurred.

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

220 (a) Individually, or in concert with one or more other
221 persons, coordinates the activities of one or more individuals
222 in committing the offense, in which case the amount of each
223 individual theft is aggregated to determine the value of the
224 property stolen;

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

228 (c) Acts in concert with one or more other individuals
229 within one or more establishments to distract the merchant,
230 merchant's employee, or law enforcement officer in order to



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231 carry out the offense, or acts in other ways to coordinate
232 efforts to carry out the offense; or

233 (d) Commits the offense through the purchase of merchandise
234 in a package or box that contains merchandise other than, or in
235 addition to, the merchandise purported to be contained in the
236 package or box.

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

240 (a) Violates subsection (8) as an adult and has previously
241 been convicted of a violation of subsection (8) within 3 years
242 after the expiration of his or her sentence for the conviction;
243 or

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

248 (10) The Office of Program Policy Analysis and Government
249 Accountability shall perform a study every 5 years to determine
250 the appropriateness of the threshold amounts included in this
251 section. The study's scope must include, but need not be limited
252 to, the crime trends related to theft offenses, the theft
253 threshold amounts of other states in effect at the time of the
254 study, the fiscal impact of any modifications to this state's
255 threshold amounts, and the effect on economic factors, such as
256 inflation. The study must include options for amending the
257 threshold amounts if the study finds that such amounts are
258 inconsistent with current trends. In conducting the study,
259 OPPAGA shall consult with the Office of Economic and Demographic



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260 Research in addition to other interested entities. OPPAGA shall
261 submit a report to the Governor, the President of the Senate,
262 and the Speaker of the House of Representatives by September 1
263 of each fifth year.

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

267 921.0022 Criminal Punishment Code; offense severity ranking
268 chart.—

269 (3) OFFENSE SEVERITY RANKING CHART

270 (a) LEVEL 1

271

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.

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319.30 (5) 3rd Sell, exchange, give away
certificate of title or
identification number plate.

277

319.35 (1) (a) 3rd Tamper, adjust, change,
etc., an odometer.

278

320.26 (1) (a) 3rd Counterfeit, manufacture, or
sell registration license
plates or validation
stickers.

279

322.212 3rd Possession of forged,
(1) (a) - (c) stolen, counterfeit, or
unlawfully issued driver
license; possession of
simulated identification.

280

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

281

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

282

414.39 (3) (a) 3rd Fraudulent misappropriation
of public assistance funds



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			by employee/official, value more than \$200.
443.071 (1)	3rd		False statement or representation to obtain or increase reemployment assistance benefits.
509.151 (1)	3rd		Defraud an innkeeper, food or lodging value greater than \$300.
517.302 (1)	3rd		Violation of the Florida Securities and Investor Protection Act.
562.27 (1)	3rd		Possess still or still apparatus.
713.69	3rd		Tenant removes property upon which lien has accrued, value more than \$50.
812.014 (3) (c)	3rd		Petit theft (3rd <u>or subsequent adult conviction within specified period</u>); theft of any property not specified in subsection (2).



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812.081 (2) 3rd Unlawfully makes or causes to be made a reproduction of a trade secret.

291

815.04 (5) (a) 3rd Offense against intellectual property (i.e., computer programs, data).

292

817.52 (2) 3rd Hiring with intent to defraud, motor vehicle services.

293

817.569 (2) 3rd Use of public record or public records information or providing false information to facilitate commission of a felony.

294

826.01 3rd Bigamy.

295

828.122 (3) 3rd Fighting or baiting animals.

296

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



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297			substances, all but s. 893.03(5) drugs.
298	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
299	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.
300	838.15(2)	3rd	Commercial bribe receiving.
301	838.16	3rd	Commercial bribery.
302	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
303	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
304	849.01	3rd	Keeping gambling house.
	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of



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property or money by means
of lottery.

849.23 3rd Gambling-related machines;
"common offender" as to
property rights.

849.25 (2) 3rd Engaging in bookmaking.

860.08 3rd Interfere with a railroad
signal.

860.13 (1) (a) 3rd Operate aircraft while under
the influence.

893.13 (2) (a) 2. 3rd Purchase of cannabis.

893.13 (6) (a) 3rd Possession of cannabis (more
than 20 grams).

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

(b) LEVEL 2



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	Florida Statute	Felony Degree	Description
316	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
317	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
318	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.
319	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
320	590.28 (1)	3rd	Intentional burning of lands.
321			



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784.05 (3)

3rd

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

322

787.04 (1)

3rd

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

323

806.13 (1) (b) 3.

3rd

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

324

810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

325

810.09 (2) (e)

3rd

Trespassing on posted commercial horticulture property.

326

812.014 (2) (c) 1.

3rd

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



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327	812.014 (2) (d)	3rd	Grand theft, 3rd degree; <u>\$1,500</u> \$100 or more but less than <u>\$5,000</u> \$300 , taken from unenclosed curtilage of dwelling.
328	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
329	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
330	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
331	817.52 (3)	3rd	Failure to redeliver hired vehicle.
332	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false



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representation.

817.60 (5)

3rd

Dealing in credit cards
of another.

334

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

335

817.61

3rd

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

336

826.04

3rd

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

337

831.01

3rd

Forgery.

338

831.02

3rd

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

339

831.07

3rd

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

340

831.08

3rd

Possessing 10 or more



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341

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

342

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

343

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

344

843.08 3rd False personation.

345

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) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4)
drugs other than
cannabis.

346

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



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(d) LEVEL 4

Florida Statute	Felony Degree	Description
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.
499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07 (1)	3rd	Failure to register



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517.12 (1) 3rd Failure of dealer,
associated person, or
issuer of securities to
register.

356

784.07 (2) (b) 3rd Battery of law
enforcement officer,
firefighter, etc.

357

784.074 (1) (c) 3rd Battery of sexually
violent predators
facility staff.

358

784.075 3rd Battery on detention or
commitment facility
staff.

359

784.078 3rd Battery of facility
employee by throwing,
tossing, or expelling
certain fluids or
materials.

360

784.08 (2) (c) 3rd Battery on a person 65
years of age or older.

361

784.081 (3) 3rd Battery on specified



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362

784.082 (3) 3rd Battery by detained
person on visitor or
other detainee.

363

784.083 (3) 3rd Battery on code
inspector.

364

784.085 3rd Battery of child by
throwing, tossing,
projecting, or expelling
certain fluids or
materials.

365

787.03 (1) 3rd Interference with
custody; wrongly takes
minor from appointed
guardian.

366

787.04 (2) 3rd Take, entice, or remove
child beyond state
limits with criminal
intent pending custody
proceedings.

367

787.04 (3) 3rd Carrying child beyond
state lines with
criminal intent to avoid



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368			producing child at custody hearing or delivering to designated person.
369	787.07	3rd	Human smuggling.
370	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
371	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
372	790.115 (2) (c)	3rd	Possessing firearm on school property.
373	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.



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810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

375

810.06 3rd Burglary; possession of tools.

376

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

377

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

378

812.014 3rd Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
(2) (c) 4.-9.
~~812.014~~
~~(2) (c) 4.-10.~~

379

812.0195 (2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

380

817.505 (4) (a) 3rd Patient brokering.



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817.563 (1) 3rd Sell or deliver
substance other than
controlled substance
agreed upon, excluding
s. 893.03(5) drugs.

382

817.568 (2) (a) 3rd Fraudulent use of
personal identification
information.

383

817.625 (2) (a) 3rd Fraudulent use of
scanning device,
skimming device, or
reencoder.

384

817.625 (2) (c) 3rd Possess, sell, or
deliver skimming device.

385

828.125 (1) 2nd Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

386

837.02 (1) 3rd Perjury in official
proceedings.

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388	837.021 (1)	3rd	Make contradictory statements in official proceedings.
389	838.022	3rd	Official misconduct.
390	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
391	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
392	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
393	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond



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394
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399
400

			jumping).
847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.	
874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.	
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) 5. drugs).	
914.14 (2)	3rd	Witnesses accepting bribes.	
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.	



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401

918.12 3rd Tampering with jurors.

402

403

404

934.215 3rd Use of two-way
communications device to
facilitate commission of
a crime.

405

(e) LEVEL 5

406

Florida Statute Felony Degree Description

407

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

408

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

409

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

410

322.34(6) 3rd Careless operation of
motor vehicle with



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411

327.30 (5)

3rd

suspended license,
resulting in death or
serious bodily injury.

Vessel accidents
involving personal
injury; leaving scene.

412

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



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			trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
413	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
414	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
415	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
416	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
417	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
418	440.381 (2)	2nd	Submission of false,



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			misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
419	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
420	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
421	790.01 (2)	3rd	Carrying a concealed firearm.
422	790.162	2nd	Threat to throw or discharge destructive device.
423	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent



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424

manner.

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

425

790.23

2nd

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

426

796.05 (1)

2nd

Live on earnings of a prostitute; 1st offense.

427

800.04 (6) (c)

3rd

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

428

800.04 (7) (b)

2nd

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

429

806.111 (1)

3rd

Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

430

812.0145 (2) (b)

2nd

Theft from person 65 years of age or older;



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431

812.015 (8)

3rd

\$10,000 or more but less than \$50,000.

Retail theft; property stolen is valued at \$1,500 ~~\$300~~ or more and one or more specified acts.

432

812.019 (1)

2nd

Stolen property; dealing in or trafficking in.

433

812.131 (2) (b)

3rd

Robbery by sudden snatching.

434

812.16 (2)

3rd

Owning, operating, or conducting a chop shop.

435

817.034 (4) (a) 2.

2nd

Communications fraud, value \$20,000 to \$50,000.

436

817.234 (11) (b)

2nd

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

437

817.2341 (1),
(2) (a) & (3) (a)

3rd

Filing false financial statements, making false



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entries of material fact
or false statements
regarding property
values relating to the
solvency of an insuring
entity.

438

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.

439

817.611 (2) (a)

2nd

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

440

817.625 (2) (b)

2nd

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



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441

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

442

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

443

827.071 (5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

444

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

445

839.13 (2) (b) 2nd Falsifying records of an individual in the care



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446

843.01

3rd

and custody of a state
agency involving great
bodily harm or death.

Resist officer with
violence to person;
resist arrest with
violence.

447

847.0135 (5) (b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

448

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

449

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

450

874.05 (1) (b)

2nd

Encouraging or
recruiting another to
join a criminal gang;
second or subsequent
offense.



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451

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

452

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) 5.
drugs).

453

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) 6.,
(2) (c) 7., (2) (c) 8.,
(2) (c) 9., (2) (c) 10.,
(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.

454



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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)5. drugs) within 1,000 feet of university.

455

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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

456

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)5. drugs) within 1,000 feet of public



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housing facility.

457

893.13(4)(b)

2nd

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

458

893.1351(1)

3rd

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

459

460

461

(f) LEVEL 6

462

Florida
Statute

Felony
Degree

Description

463

316.027(2)(b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

464

316.193(2)(b)

3rd

Felony DUI, 4th or
subsequent conviction.

465

400.9935(4)(c)

2nd

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

466



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467	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
468	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
469	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
470	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
471	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
472	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
473	784.041	3rd	Felony battery; domestic battery by strangulation.



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474	784.048 (3)	3rd	Aggravated stalking; credible threat.
475	784.048 (5)	3rd	Aggravated stalking of person under 16.
476	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
477	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
478	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
479	784.081 (2)	2nd	Aggravated assault on specified official or employee.
480	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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481	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
482	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
483	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
484	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.
485	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
486	794.011 (8) (a)	3rd	Solicitation of minor to



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487			participate in sexual activity by custodial adult.
488	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
489	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.
490	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
491	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
492	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or



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493

subsequent offense.

812.014 (2) (b) 1.

2nd

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

494

812.014 (6)

2nd

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

495

812.015 (9) (a)

2nd

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

496

812.015 (9) (b)

2nd

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

497

812.13 (2) (c)

2nd

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

498

817.4821 (5)

2nd

Possess cloning
paraphernalia with
intent to create cloned



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499

cellular telephones.

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

500

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

501

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

502

825.1025 (3)

3rd

Lewd or lascivious molestation of an elderly person or disabled adult.

503

825.103 (3) (c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

504

827.03 (2) (c)

3rd

Abuse of a child.

505

827.03 (2) (d)

3rd

Neglect of a child.

506

827.071 (2) & (3)

2nd

Use or induce a child in a sexual performance, or



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507

promote or direct such
performance.

508

836.05

2nd

Threats; extortion.

836.10

2nd

Written threats to kill,
do bodily injury, or
conduct a mass shooting
or an act of terrorism.

509

843.12

3rd

Aids or assists person
to escape.

510

847.011

3rd

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

511

847.012

3rd

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

512

847.0135(2)

3rd

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



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conduct.

513

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

514

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.

515

944.40 2nd Escapes.

516

944.46 3rd Harboring, concealing, aiding escaped prisoners.

517

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

518

951.22 (1) 3rd Intoxicating drug,



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firearm, or weapon
introduced into county
facility.

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Section 4. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (10) of section 95.18, Florida Statutes, is reenacted to read:

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

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

Section 5. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 373.6055, Florida Statutes, is reenacted to read:

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

(3)

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

1. Any person who has within the past 7 years been convicted, regardless of whether adjudication was withheld, for



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545 a forcible felony as defined in s. 776.08; an act of terrorism
546 as defined in s. 775.30; planting of a hoax bomb as provided in
547 s. 790.165; any violation involving the manufacture, possession,
548 sale, delivery, display, use, or attempted or threatened use of
549 a weapon of mass destruction or hoax weapon of mass destruction
550 as provided in s. 790.166; dealing in stolen property; any
551 violation of s. 893.135; any violation involving the sale,
552 manufacturing, delivery, or possession with intent to sell,
553 manufacture, or deliver a controlled substance; burglary;
554 robbery; any felony violation of s. 812.014; any violation of s.
555 790.07; any crime an element of which includes use or possession
556 of a firearm; any conviction for any similar offenses under the
557 laws of another jurisdiction; or conviction for conspiracy to
558 commit any of the listed offenses may not be qualified for
559 initial employment within or authorized regular access to
560 buildings, facilities, or structures defined in the water
561 management district's security plan as restricted access areas.

562 2. Any person who has at any time been convicted of any of
563 the offenses listed in subparagraph 1. may not be qualified for
564 initial employment within or authorized regular access to
565 buildings, facilities, or structures defined in the water
566 management district's security plan as restricted access areas
567 unless, after release from incarceration and any supervision
568 imposed as a sentence, the person remained free from a
569 subsequent conviction, regardless of whether adjudication was
570 withheld, for any of the listed offenses for a period of at
571 least 7 years prior to the employment or access date under
572 consideration.

573 Section 6. For the purpose of incorporating the amendment



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574 made by this act to section 812.014, Florida Statutes, in a
575 reference thereto, subsection (3) of section 400.9935, Florida
576 Statutes, is reenacted to read:

577 400.9935 Clinic responsibilities.-

578 (3) A charge or reimbursement claim made by or on behalf of
579 a clinic that is required to be licensed under this part but
580 that is not so licensed, or that is otherwise operating in
581 violation of this part, regardless of whether a service is
582 rendered or whether the charge or reimbursement claim is paid,
583 is an unlawful charge and is noncompensable and unenforceable. A
584 person who knowingly makes or causes to be made an unlawful
585 charge commits theft within the meaning of and punishable as
586 provided in s. 812.014.

587 Section 7. For the purpose of incorporating the amendment
588 made by this act to section 812.014, Florida Statutes, in a
589 reference thereto, paragraph (g) of subsection (17) of section
590 409.910, Florida Statutes, is reenacted to read:

591 409.910 Responsibility for payments on behalf of Medicaid-
592 eligible persons when other parties are liable.-

593 (17)

594 (g) The agency may investigate and request appropriate
595 officers or agencies of the state to investigate suspected
596 criminal violations or fraudulent activity related to third-
597 party benefits, including, without limitation, ss. 414.39 and
598 812.014. Such requests may be directed, without limitation, to
599 the Medicaid Fraud Control Unit of the Office of the Attorney
600 General or to any state attorney. Pursuant to s. 409.913, the
601 Attorney General has primary responsibility to investigate and
602 control Medicaid fraud.



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603 Section 8. For the purpose of incorporating the amendment
604 made by this act to section 812.014, Florida Statutes, in a
605 reference thereto, subsection (4) of section 489.126, Florida
606 Statutes, is reenacted to read:

607 489.126 Moneys received by contractors.—

608 (4) Any person who violates any provision of this section
609 is guilty of theft and shall be prosecuted and punished under s.
610 812.014.

611 Section 9. For the purpose of incorporating the amendment
612 made by this act to section 812.014, Florida Statutes, in a
613 reference thereto, subsection (10) of section 550.6305, Florida
614 Statutes, is reenacted to read:

615 550.6305 Intertrack wagering; guest track payments;
616 accounting rules.—

617 (10) All races or games conducted at a permitholder's
618 facility, all broadcasts of such races or games, and all
619 broadcast rights relating thereto are owned by the permitholder
620 at whose facility such races or games are conducted and
621 constitute the permitholder's property as defined in s.
622 812.012(4). Transmission, reception of a transmission,
623 exhibition, use, or other appropriation of such races or games,
624 broadcasts of such races or games, or broadcast rights relating
625 thereto without the written consent of the permitholder
626 constitutes a theft of such property under s. 812.014; and in
627 addition to the penal sanctions contained in s. 812.014, the
628 permitholder has the right to avail itself of the civil remedies
629 specified in ss. 772.104, 772.11, and 812.035 in addition to any
630 other remedies available under applicable state or federal law.

631 Section 10. For the purpose of incorporating the amendment



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632 made by this act to section 812.014, Florida Statutes, in a
633 reference thereto, subsection (2) of section 627.743, Florida
634 Statutes, is reenacted to read:

635 627.743 Payment of third-party claims.—

636 (2) When making any payment on a third party claim for
637 damage to an automobile for a partial loss, the insurer shall
638 have printed on the loss estimate, if prepared by the insurer,
639 the following: "Failure to use the insurance proceeds in
640 accordance with the security agreement, if any, could be a
641 violation of s. 812.014, Florida Statutes. If you have any
642 questions, contact your lending institution." However, this
643 subsection does not apply if the insurer does not prepare the
644 loss estimate.

645 Section 11. 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 12. 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



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661 her or his own use commits theft as provided in s. 812.014.

662 Section 13. 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 14. For the purpose of incorporating the amendment
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 15. 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 16. For the purpose of incorporating the amendment



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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.
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



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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,
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 17. 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



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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 18. For the purpose of incorporating the amendment
753 made by this act to section 812.014, Florida Statutes, in
754 references 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.—

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



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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 19. For the purpose of incorporating the amendment
787 made by this act to section 812.014, Florida Statutes, in
788 references 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 20. 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:



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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;

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 21. For the purpose of incorporating the amendment
824 made by this act to section 812.014, Florida Statutes, in a
825 reference thereto, paragraph (a) of subsection (2) of section
826 932.701, Florida Statutes, is reenacted to read:

827 932.701 Short title; definitions.—

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

829 (a) "Contraband article" means:

830 1. Any controlled substance as defined in chapter 893 or
831 any substance, device, paraphernalia, or currency or other means
832 of exchange that was used, was attempted to be used, or was
833 intended to be used in violation of any provision of chapter
834 893, if the totality of the facts presented by the state is



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835 clearly sufficient to meet the state's burden of establishing
836 probable cause to believe that a nexus exists between the
837 article seized and the narcotics activity, whether or not the
838 use of the contraband article can be traced to a specific
839 narcotics transaction.

840 2. Any gambling paraphernalia, lottery tickets, money,
841 currency, or other means of exchange which was used, was
842 attempted, or intended to be used in violation of the gambling
843 laws of the state.

844 3. Any equipment, liquid or solid, which was being used, is
845 being used, was attempted to be used, or intended to be used in
846 violation of the beverage or tobacco laws of the state.

847 4. Any motor fuel upon which the motor fuel tax has not
848 been paid as required by law.

849 5. Any personal property, including, but not limited to,
850 any vessel, aircraft, item, object, tool, substance, device,
851 weapon, machine, vehicle of any kind, money, securities, books,
852 records, research, negotiable instruments, or currency, which
853 was used or was attempted to be used as an instrumentality in
854 the commission of, or in aiding or abetting in the commission
855 of, any felony, whether or not comprising an element of the
856 felony, or which is acquired by proceeds obtained as a result of
857 a violation of the Florida Contraband Forfeiture Act.

858 6. Any real property, including any right, title,
859 leasehold, or other interest in the whole of any lot or tract of
860 land, which was used, is being used, or was attempted to be used
861 as an instrumentality in the commission of, or in aiding or
862 abetting in the commission of, any felony, or which is acquired
863 by proceeds obtained as a result of a violation of the Florida



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864 Contraband Forfeiture Act.

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

871 8. Any motor vehicle offered for sale in violation of s.
872 320.28.

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

875 10. Any photograph, film, or other recorded image,
876 including an image recorded on videotape, a compact disc,
877 digital tape, or fixed disk, that is recorded in violation of s.
878 810.145 and is possessed for the purpose of amusement,
879 entertainment, sexual arousal, gratification, or profit, or for
880 the purpose of degrading or abusing another person.

881 11. Any real property, including any right, title,
882 leasehold, or other interest in the whole of any lot or tract of
883 land, which is acquired by proceeds obtained as a result of
884 Medicaid fraud under s. 409.920 or s. 409.9201; any personal
885 property, including, but not limited to, equipment, money,
886 securities, books, records, research, negotiable instruments, or
887 currency; or any vessel, aircraft, item, object, tool,
888 substance, device, weapon, machine, or vehicle of any kind in
889 the possession of or belonging to any person which is acquired
890 by proceeds obtained as a result of Medicaid fraud under s.
891 409.920 or s. 409.9201.

892 12. Any personal property, including, but not limited to,



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893 any vehicle, item, object, tool, device, weapon, machine, money,
894 security, book, or record, that is used or attempted to be used
895 as an instrumentality in the commission of, or in aiding and
896 abetting in the commission of, a person's third or subsequent
897 violation of s. 509.144, whether or not comprising an element of
898 the offense.

899 Section 22. For the purpose of incorporating the amendment
900 made by this act to section 812.014, Florida Statutes, in a
901 reference thereto, paragraph (b) of subsection (3) of section
902 943.051, Florida Statutes, is reenacted to read:

903 943.051 Criminal justice information; collection and
904 storage; fingerprinting.—

905 (3)

906 (b) A minor who is charged with or found to have committed
907 the following offenses shall be fingerprinted and the
908 fingerprints shall be submitted electronically to the
909 department, unless the minor is issued a civil citation pursuant
910 to s. 985.12:

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

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

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

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

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

917 6. Assault or battery on a law enforcement officer, a
918 firefighter, or other specified officers, as defined in s.
919 784.07(2)(a) and (b).

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

921 8. Exposure of sexual organs, as defined in s. 800.03.



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- 922 9. Unlawful possession of a firearm, as defined in s.
923 790.22(5).
- 924 10. Petit theft, as defined in s. 812.014(3).
- 925 11. Cruelty to animals, as defined in s. 828.12(1).
- 926 12. Arson, as defined in s. 806.031(1).
- 927 13. Unlawful possession or discharge of a weapon or firearm
928 at a school-sponsored event or on school property, as provided
929 in s. 790.115.
- 930 Section 23. For the purpose of incorporating the amendment
931 made by this act to section 812.014, Florida Statutes, in a
932 reference thereto, paragraph (b) of subsection (1) of section
933 985.11, Florida Statutes, is reenacted to read:
- 934 985.11 Fingerprinting and photographing.—
- 935 (1)
- 936 (b) Unless the child is issued a civil citation or is
937 participating in a similar diversion program pursuant to s.
938 985.12, a child who is charged with or found to have committed
939 one of the following offenses shall be fingerprinted, and the
940 fingerprints shall be submitted to the Department of Law
941 Enforcement as provided in s. 943.051(3)(b):
- 942 1. Assault, as defined in s. 784.011.
- 943 2. Battery, as defined in s. 784.03.
- 944 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 945 4. Unlawful use of destructive devices or bombs, as defined
946 in s. 790.1615(1).
- 947 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 948 6. Assault on a law enforcement officer, a firefighter, or
949 other specified officers, as defined in s. 784.07(2)(a).
- 950 7. Open carrying of a weapon, as defined in s. 790.053.



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- 951 8. Exposure of sexual organs, as defined in s. 800.03.
- 952 9. Unlawful possession of a firearm, as defined in s.
- 953 790.22(5).
- 954 10. Petit theft, as defined in s. 812.014.
- 955 11. Cruelty to animals, as defined in s. 828.12(1).
- 956 12. Arson, resulting in bodily harm to a firefighter, as
- 957 defined in s. 806.031(1).
- 958 13. Unlawful possession or discharge of a weapon or firearm
- 959 at a school-sponsored event or on school property as defined in
- 960 s. 790.115.

961

962 A law enforcement agency may fingerprint and photograph a child

963 taken into custody upon probable cause that such child has

964 committed any other violation of law, as the agency deems

965 appropriate. Such fingerprint records and photographs shall be

966 retained by the law enforcement agency in a separate file, and

967 these records and all copies thereof must be marked "Juvenile

968 Confidential." These records are not available for public

969 disclosure and inspection under s. 119.07(1) except as provided

970 in ss. 943.053 and 985.04(2), but shall be available to other

971 law enforcement agencies, criminal justice agencies, state

972 attorneys, the courts, the child, the parents or legal

973 custodians of the child, their attorneys, and any other person

974 authorized by the court to have access to such records. In

975 addition, such records may be submitted to the Department of Law

976 Enforcement for inclusion in the state criminal history records

977 and used by criminal justice agencies for criminal justice

978 purposes. These records may, in the discretion of the court, be

979 open to inspection by anyone upon a showing of cause. The



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980 fingerprint and photograph records shall be produced in the
981 court whenever directed by the court. Any photograph taken
982 pursuant to this section may be shown by a law enforcement
983 officer to any victim or witness of a crime for the purpose of
984 identifying the person who committed such crime.

985 Section 24. For the purpose of incorporating the amendment
986 made by this act to section 812.014, Florida Statutes, in
987 references thereto, paragraph (a) of subsection (1) and
988 paragraph (c) of subsection (2) of section 985.557, Florida
989 Statutes, are reenacted to read:

990 985.557 Direct filing of an information; discretionary and
991 mandatory criteria.—

992 (1) DISCRETIONARY DIRECT FILE.—

993 (a) With respect to any child who was 14 or 15 years of age
994 at the time the alleged offense was committed, the state
995 attorney may file an information when in the state attorney's
996 judgment and discretion the public interest requires that adult
997 sanctions be considered or imposed and when the offense charged
998 is for the commission of, attempt to commit, or conspiracy to
999 commit:

- 1000 1. Arson;
- 1001 2. Sexual battery;
- 1002 3. Robbery;
- 1003 4. Kidnapping;
- 1004 5. Aggravated child abuse;
- 1005 6. Aggravated assault;
- 1006 7. Aggravated stalking;
- 1007 8. Murder;
- 1008 9. Manslaughter;



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- 1009 10. Unlawful throwing, placing, or discharging of a
1010 destructive device or bomb;
- 1011 11. Armed burglary in violation of s. 810.02(2)(b) or
1012 specified burglary of a dwelling or structure in violation of s.
1013 810.02(2)(c), or burglary with an assault or battery in
1014 violation of s. 810.02(2)(a);
- 1015 12. Aggravated battery;
- 1016 13. Any lewd or lascivious offense committed upon or in the
1017 presence of a person less than 16 years of age;
- 1018 14. Carrying, displaying, using, threatening, or attempting
1019 to use a weapon or firearm during the commission of a felony;
- 1020 15. Grand theft in violation of s. 812.014(2)(a);
- 1021 16. Possessing or discharging any weapon or firearm on
1022 school property in violation of s. 790.115;
- 1023 17. Home invasion robbery;
- 1024 18. Carjacking; or
- 1025 19. Grand theft of a motor vehicle in violation of s.
1026 812.014(2)(c)6. or grand theft of a motor vehicle valued at
1027 \$20,000 or more in violation of s. 812.014(2)(b) if the child
1028 has a previous adjudication for grand theft of a motor vehicle
1029 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
- 1030 (2) MANDATORY DIRECT FILE.—
- 1031 (c) The state attorney must file an information if a child,
1032 regardless of the child's age at the time the alleged offense
1033 was committed, is alleged to have committed an act that would be
1034 a violation of law if the child were an adult, that involves
1035 stealing a motor vehicle, including, but not limited to, a
1036 violation of s. 812.133, relating to carjacking, or s.
1037 812.014(2)(c)6., relating to grand theft of a motor vehicle, and



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1038 while the child was in possession of the stolen motor vehicle
1039 the child caused serious bodily injury to or the death of a
1040 person who was not involved in the underlying offense. For
1041 purposes of this section, the driver and all willing passengers
1042 in the stolen motor vehicle at the time such serious bodily
1043 injury or death is inflicted shall also be subject to mandatory
1044 transfer to adult court. "Stolen motor vehicle," for the
1045 purposes of this section, means a motor vehicle that has been
1046 the subject of any criminal wrongful taking. For purposes of
1047 this section, "willing passengers" means all willing passengers
1048 who have participated in the underlying offense.

1049 Section 25. For the purpose of incorporating the amendment
1050 made by this act to section 812.015, Florida Statutes, in a
1051 reference thereto, subsection (5) of section 538.09, Florida
1052 Statutes, is reenacted to read:

1053 538.09 Registration.—

1054 (5) In addition to the fine provided in subsection (4),
1055 registration under this section may be denied or any
1056 registration granted may be revoked, restricted, or suspended by
1057 the department if the department determines that the applicant
1058 or registrant:

1059 (a) Has violated any provision of this chapter or any rule
1060 or order made pursuant to this chapter;

1061 (b) Has made a material false statement in the application
1062 for registration;

1063 (c) Has been guilty of a fraudulent act in connection with
1064 any purchase or sale or has been or is engaged in or is about to
1065 engage in any practice, purchase, or sale which is fraudulent or
1066 in violation of the law;



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1067 (d) Has made a misrepresentation or false statement to, or
1068 concealed any essential or material fact from, any person in
1069 making any purchase or sale;

1070 (e) Is making purchases or sales through any business
1071 associate not registered in compliance with the provisions of
1072 this chapter;

1073 (f) Has, within the preceding 10-year period for new
1074 registrants who apply for registration on or after October 1,
1075 2006, been convicted of, or has entered a plea of guilty or nolo
1076 contendere to, or had adjudication withheld for, a crime against
1077 the laws of this state or any other state or of the United
1078 States which relates to registration as a secondhand dealer or
1079 which involves theft, larceny, dealing in stolen property,
1080 receiving stolen property, burglary, embezzlement, obtaining
1081 property by false pretenses, possession of altered property, any
1082 felony drug offense, any violation of s. 812.015, or any
1083 fraudulent dealing;

1084 (g) Has had a final judgment entered against her or him in
1085 a civil action upon grounds of fraud, embezzlement,
1086 misrepresentation, or deceit; or

1087 (h) Has failed to pay any sales tax owed to the Department
1088 of Revenue.

1089
1090 In the event the department determines to deny an application or
1091 revoke a registration, it shall enter a final order with its
1092 findings on the register of secondhand dealers and their
1093 business associates, if any; and denial, suspension, or
1094 revocation of the registration of a secondhand dealer shall also
1095 deny, suspend, or revoke the registration of such secondhand



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1096 dealer's business associates.

1097 Section 26. For the purpose of incorporating the amendments
1098 made by this act to sections 812.014 and 812.015, Florida
1099 Statutes, in references thereto, subsection (2) of section
1100 538.23, Florida Statutes, is reenacted to read:

1101 538.23 Violations and penalties.—

1102 (2) A secondary metals recycler is presumed to know upon
1103 receipt of stolen regulated metals property in a purchase
1104 transaction that the regulated metals property has been stolen
1105 from another if the secondary metals recycler knowingly and
1106 intentionally fails to maintain the information required in s.
1107 538.19 and shall, upon conviction of a violation of s. 812.015,
1108 be punished as provided in s. 812.014(2) or (3).

1109 Section 27. For the purpose of incorporating the amendments
1110 made by this act to sections 812.014 and 812.015, Florida
1111 Statutes, in references thereto, subsection (2) of section
1112 812.0155, Florida Statutes, is reenacted to read:

1113 812.0155 Suspension of driver license following an
1114 adjudication of guilt for theft.—

1115 (2) The court may revoke, suspend, or withhold issuance of
1116 a driver license of a person less than 18 years of age who
1117 violates s. 812.014 or s. 812.015 as an alternative to
1118 sentencing the person to:

1119 (a) Probation as defined in s. 985.03 or commitment to the
1120 Department of Juvenile Justice, if the person is adjudicated
1121 delinquent for such violation and has not previously been
1122 convicted of or adjudicated delinquent for any criminal offense,
1123 regardless of whether adjudication was withheld.

1124 (b) Probation as defined in s. 985.03, commitment to the



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1125 Department of Juvenile Justice, probation as defined in chapter
1126 948, community control, or incarceration, if the person is
1127 convicted as an adult of such violation and has not previously
1128 been convicted of or adjudicated delinquent for any criminal
1129 offense, regardless of whether adjudication was withheld.

1130 Section 28. This act shall take effect October 1, 2019.